

7-22-1954

## Transcript of Coroner's Inquest (Part 2)

Cuyahoga County Coroner's Office

### How does access to this work benefit you? Let us know!

Follow this and additional works at: [https://engagedscholarship.csuohio.edu/inquest\\_transcript](https://engagedscholarship.csuohio.edu/inquest_transcript)

---

### Recommended Citation

Cuyahoga County Coroner's Office, "Transcript of Coroner's Inquest (Part 2)" (1954). *Coroner's Inquest Transcript*. 3.  
[https://engagedscholarship.csuohio.edu/inquest\\_transcript/3](https://engagedscholarship.csuohio.edu/inquest_transcript/3)

This Transcript is brought to you for free and open access by the Coroner Sam Gerber's Files and Inquest at EngagedScholarship@CSU. It has been accepted for inclusion in Coroner's Inquest Transcript by an authorized administrator of EngagedScholarship@CSU. For more information, please contact [library.es@csuohio.edu](mailto:library.es@csuohio.edu).

SAMUEL H. SHEPPARD, having been first duly sworn, was examined and testified as follows:

EXAMINATION OF DR. SAMUEL H. SHEPPARD

By Coroner Gerber:

Q What is your name?

A Samuel H. Sheppard.

Q Where do you live?

A My home is at 28924 West Lake Road.

Q West what?

A West Lake Road, Bay Village.

Q How long have you lived there?

A Approximately three years this month.

Q 1951?

A Yes.

Q Where did you live before that?

A We lived in Los Angeles, California. Moved to this area in late May or June, early June, in the spring of '51. We rented a home until we could purchase one.

Q When you rented where did you live when you rented?

A It was a home in Rocky River that we rented just during the summer until we could get into the home that we purchased.

Q The address of that house and the street number?

A I can't recall the name of the street or the address. It was in Rocky River though. Part of this

time I spent with my --

Q You don't recall the address in Rocky River?

A No, I don't.

Q Was it Wagar Road?

A No, it was not. It was off of Wagar Road.

Q You don't recall the name?

A I don't recall the name or the street, no. It was the house of a football coach who was away for the summer and we rented it furnished.

Q Did you have a telephone number listed in your name?

A No.

Q What were the addresses in Los Angeles-- you said Los Angeles, didn't you?

A Yes.

Q What were the addresses?

A I cannot give you those specific addresses. There were two apartments that we lived in on Sichel.

Q How do you spell that?

A S-i-c-h-e-l.

Q And that is in Los Angeles proper or a suburb?

A That is in Los Angeles right across from Los Angeles County General Hospital, off of Mission Road, which borders the hospital.

Q Just opposite or across from Los Angeles County General Hospital?

A Yes, Mission Road borders the hospital and this little street, Sichel Street, is off of

Mission.

Q There are some apartment buildings there and that is where you lived?

A Yes.

Q What year did you graduate from high school?

A In 1942.

Q That was Cleveland Heights?

A Yes.

Q After that you went to what school?

A I spent the summer, that summer as a playground instructor and initiated my pre-medical work at Hanover College that fall.

Q Hanover, New York?

A Hanover, Indiana.

Q You went there in September of 1942, is that it?

A Yes.

Q You were in school there until what year?

A I attended summer courses the following summer at Western Reserve University and the following year at Hanover College. Due to the wartime restrictions the fact that I was a so-called frozen in my preparatory work I was not allowed to continue my complete four year pre-medical course.

Q When did you finish at Hanover?

A 1944, spring of 1944.

Q And then from there you matriculated in college, what was the name of the school?

A College of Osteopathic Physicians and Surgeons at Los Angeles.

Q That was in the fall of 1944?

A No, due to the wartime intensive program, that was as I recall early July or late June, I left from my pre-medic work at Hanover and went directly to Los Angeles.

Q How long did it take you to get through in Los Angeles, how many years?

A Well it is four and a half years in actual dietetic work. It was approximately four years chronologically going to school both summer and winter, with no actual vacation.

Q When did you graduate?

A Well that was the spring -- four years later, that was in 1948, 1944 to 1948.

Q From May 1948?

A May or June.

Q And then what did you do?

A Again due to the very restricted manpower and intensive war program I being fortunate enough to be among the first few in our class in intern rating, I was asked to start my intern duties in December of that year or January, which is about the time of the New Year.

Q Where was that?

A That was at the Los Angeles County General Hospital. That was actually before I graduated.

Q This was still 1948 you are talking about?

A Yes. I initiated my intern duties and continued the duties of the senior student at the same time.

Q This was December 1947 and January 1948?

A Actually the start was in January 1948.

Q Then how long did you continue in that?

A I completed a year's internship and was given the opportunity to take a residency in neuro and traumatic surgery.

Q When did you start that?

A I can't give you the exact date but I believe it was approximately a year later. I believe it was around December or January.

Q That would be December of 1949?

A I believe so.

Q Or December 1948 -- January 1949. How long did that take?

A Well I was in continuous residency until -- I terminated and planned to come back to Cleveland in 1951, June.

Q Did you take the State Board in California?

A Took the State Board in California shortly after I

completed my school work.

Q Did you get a reciprocity or did you take the State Board in Ohio?

A I took the Endorsement Board in Ohio the following year.

Q In lieu of the examination that you took in California?

A Well there are several courses that had to be taken here, three or four.

Q Extra?

A No, not extra but they are part of the Endorsement Board.

Q That is required by the Ohio State Board?

A Required by anybody, endorsement by the State.

Q When you came to Cleveland where did you start practicing?

A I practiced at Bay View Hospital. For one year, I served as a general surgical resident at the hospital.

Q That would bring you up to 1952?

A Yes.

Q And then in 1952?

A I just continued my duties and continued practicing as a neuro and traumatic surgeon.

Q But you didn't open an office?

A Well yes, I mainly used the offices of my brother and father which they had made available to me.

195

Married  
Nov. 1945?



Q What year were you married?

A I believe it was November of 1945. It was nine years ago last February.

Q Where were you married?

A We were married in Hollywood. I believe it was the First Methodist Church of Hollywood. I am not sure. We were married in the chapel.

Q You were married in the Hollywood Methodist Church?

A I believe it was the First Methodist Church of Hollywood. I am not absolutely sure of that but I believe that's true.

Q I take it this is your first marriage?

A My only marriage.

Q Your only marriage. When you were practicing in California did you have a narcotic license?

A Yes.

Q Do you recall the number, the registration number? Did you have it on a prescription blank, the registration number?

A I did not have it on the prescription blank, because I used the County Hospital prescription. I never had any of my own in California. I don't really -- I can't really recall. I do recall that at one time I did confuse it with a laundry number, the hospital laundry number, I got that mixed up. I was going to give you a number but

I believe that was my laundry number.

Q Was the number changed when you moved to Ohio?

A Yes.

Q Do you recall that number?

A 15481 I believe.

Q As of July 1, 1954 did you file with the Narcotic Registration Bureau a summary of the narcotics that you had on hand?

A I filed a summary of the narcotics only that I had purchased, not that I had on hand, which probably may have been a mistake but that is the way I did it.

Q Did you keep a duplicate which goes with the filing?

A I believe I have it somewhere.

Q Did you send the dollar in?

A Yes, I believe I did.

Q Did you get your return registration for the year of 1954 and 1955?

A I don't know.

Q Do you recall the time that you filed that, what time in June?

A I don't remember specifically.

Q Do you have in your possession a narcotic purchase book?

A No, not that I know of. I have a triplicate book that we used in California which is different than the

narcotics up here for writing prescriptions.

Q What you are referring to now is required by State law in California?

A Yes.

Q That is what you are referring to now?

A The triplicate.

Q Do you have the triplicate book required by the United States Government under the Federal Narcotics Act?

A For this state you mean?

Q For any state.

A For the purchase of narcotics?

Q Yes.

A Not that I know of. I have some books of blanks, of barbituate books.

Q Will you tell me the name of the personnel supervisor or director of Bay View Hospital?

A The administrator?

Q The administrator.

A Mr. Lease.

Q What is his first name?

A Richard.

Q Does he reside at Bay View Hospital?

A No.

Q Who is a Miss or Mrs. Giffin?

A Giffin?

Q Yes.

A I don't know.

Q Do you have such a person that works at the hospital?

A We may have. I know many faces around there whose names I cannot say that I definitely know.

Q Who is Daisy Dove?

A Daisy Dove is a girl, a negro girl who works as an attendant and also in the laboratory.

Q She is an attendant in the laboratory. What sort of an attendant?

A Well she has I think worked in various jobs but the last that I know of was helping in the laboratory cleaning up dishes, helping in any way that she can.

Q Who is Mrs. Bendix?

A Mrs. Bendix? That name I am not familiar with.

Q Who is Ruth Gahagan?

A Ruth Gahagan is one of the girls in the kitchen who more or less runs the food in its preparation for the doctors and attendants in the dining room.

Q Coming back to February 1945, you were married at that time to Marilyn Reese?

A Yes.

Q She was a resident of Cleveland Heights, Ohio?

A Well she spent some time with her father in University

Heights and she spent quite a bit of time with her grandparents in East Cleveland.

Q She was a resident of an eastern suburb of the City of Cleveland, is that right?

A Yes.

Q Where did you first meet Mrs. Sheppard?

A I met her at junior high school, Roosevelt Junior High School.

Q About what year?

A It was approximately 1938, '37.

Q From that time on you and Miss Reese were friendly and planned to get married, is that it?

A Yes as I told the officer that was down at the Sheriff's office, we were friendly in junior high school but she being a year and a half ahead of me in school went to high school before I did. During that period we did not see each other, a great deal, and did not go with each other as boyfriend and girlfriend, but kept in touch occasionally and still I think respected and liked each other.

And when I went up to high school we saw a great deal more of each other.

Q She went away to college when she got through high school?

A I beg your pardon.

Q She went to college when she got through high school?

A Yes. She remained in high school during the entire year of 1941 so that she did not graduate midyear as she was originally set up to do and the following year she went to Skidmore College.

Q When was your son born?

A Seven-years ago this spring.

Q This past spring?

A This past spring he was seven years.

Q Spring of this year?

A May.

Q '54?

A Yes.

Q Is there any reason that you can give that there were not more children?

A My wife had a rather difficult delivery with the first child. You can understand she had a posterior occiput which produced a rather painful situation during the time of delivery.

Q Did she have an uneventful pregnancy?

A Originally?

Q Yes.

A Relatively so. She had a lot of backache though.

Following the delivery she felt the responsibility of the child very greatly and she therefore requested to delay

any further family for a while.

Q What was her blood type, do you know?

A I don't know her specific blood type but the doctor who took care of her originally said that she was an RH negative. I think he found that there had been a number of patients that were RH negative and he rejected it and the last report, as I recall, she was not an RH negative.

Q Who was this doctor?

A Dr. Wayne Dooley.

Q What hospital is he connected with?

A Well he is chiefly connected with Glendale Community Hospital.

Q That is also in Los Angeles County?

A Yes.

Q What did you say her type was?

A I don't know her type.

Q She was never typed subsequently?

A She may have been.

Q Not to your knowledge though?

A Not to my knowledge. She was in our hospital for foot surgery two years ago.

Q What kind of surgery?

A Foot surgery on her toe but I don't believe the blood type had been done. I evaluated my own blood type in school but I can't remember what hers was.

Q Do you know whether she was an A, B, AB or an O?

A I don't know.

Q Do you know whether she was an RH negative or an RH positive?

A I don't definitely know. I felt she was an RH positive too, because I felt that Dr. Dooley had rejected it and if it had been negative he would have emphasized that to me.

Q In other words she was an M or N or MN?

A I don't know.

Q Do you know your blood type?

A No I don't.

Q You don't know whether you are an A or AB?

A As I say --

Q A B or an O?

A I checked myself years ago. I can't recall.

Q And since that you have not had occasion to have it checked?

A No.

Q Other than this posterior occiput presentation there were no other complications of birth?

A No, you mean as a baby?

Q No. I am talking about the birth, delivery.

A Nothing as far as complications are concerned.

Q Did she have to have an episiotomy?



A Yes.

Q With high forceps?

A She had an episiotomy of low forceps.

Q Low forceps?

A As I recall.

Q The baby, was there any damage to the head at the time of delivery?

A There was a slight birthmark on the baby's nose, on the tip, which was very slight and that eventually cleared up spontaneously.

Q Was that birthmark caused by misapplication of the forceps?

A No. That was a birthmark. There was no problem there. I will tell you the truth, I can't even recall the specific fact that forceps were applied, but it seems to me that there were low forceps used which is not uncommon in most cases.

Q What type of anaesthesia did she have?

A A saddle block.

Q Recovery was uneventful?

A Yes I would say so.

Q You say progress of the child was uneventful?

A Yes except that we were concerned about this little mark on his nose and the tendency to throw his right leg in eversion, as he sat and crawled and I was quite

concerned about a possible congenital dislocation of the hip. We took pictures of his hip, both hips, and consulted an orthopedic surgeon in relation to that possibility but it was deemed that it was merely a difference in hip growth development that had produced this.

Q How long did that persist?

A oh I can't say specifically. Probably six months.

Q From that time on except for childhood diseases was there any difficulty?

A With the child?

Q With the child.

A He fell and struck his head at one time and cut his head right here and my wife brought him over to the hospital and I was delivering a baby at the time, it was during my internship and she was very upset about that. Some of the other doctors took care of it.

Q When did you learn that your wife became pregnant?

A This last pregnancy?

Q Yes.

A well in approximately April I was hopeful and so was she.

Q April?

A Early April or late March, early April.

q When did you learn that she was definitely pregnant?

A Well I can't give you specific dates. Shortly after

I -- However, shortly after I asked Dr. Sheppard, Sr. to examine her and he made a definite diagnosis of pregnancy at that time.

Q Do you know what month that was?

A No. I think that occurred sometime in May but I am not sure.

Q When did you expect the birth of the baby?

A Well I had not really done a lot of figuring on it. She had mentioned something about December.

Q Was Dr. Sheppard, Sr. to take care of this pregnancy?

A Not necessarily. He had been asked to see her by me in relation to some convulsion that my wife had had from mild tremors to almost frank convulsive seizures on two separate occasions.

Q And what month was this, what time?

A That was late in March and early April. She had been increasing her habits of smoking, which many people do just gradually and it had been just a gradual increase and I felt that possibly the toxicity of nicotine plus her possible pregnancy might explain it. Also she had had both in California and here she had more or less chronic chest complaint which displayed itself in coughing and bringing up of bronchial -- cast of the bronchial. This was particularly bad during the bad smoggy weather in California and during the time she

smoked more heavily. I thought this might have some bearing. Dr. Sheppard, Sr. felt that way and he recommended she discontinue smoking. In fact I recommended it before he really examined her and she improved in almost every way.

Q Was her chest examined by X-ray?

A Her chest was not examined recently by X-ray. It had been examined in the hospital when she had been in before.

Q In May and June she was free of these symptoms?

A Which symptoms?

Q That you are talking about.

A Yes.

Q She had these mild tremor symptoms?

A Well she had only had two or three of these at the most but from then on she was definitely free, as far as I know, plus the fact that she felt better. She didn't have as much coughing.

Q There has been some talk for several years back that you and your wife were about to divorce each other. Is that true or untrue?

A That is not true.

Q Did you ever ask her for a divorce?

A No.

Q Did she ever ask you for a divorce?

A No.

Q Did you ever discuss divorce?

A No, not in a serious fashion. During and following my wife's first pregnancy, consistent with my period of completing my dietetic training in school I initiated my work in the hospital, which as you know projects a physician into contact with many women both in the work as far as patients and also fellow workers. During this period she became at times quite jealous and during this period I attempted to reassure her and suggested more children. She wished to wait, which was her decision to make and following this period of reassurance she improved steadily and there was no major difficult at all.

Q That was when you were living in California that this occurred?

A Yes.

Q Now what about when you arrived or moved back up to Cleveland, the western part of the county, did the same thing come up again?

A There were times when there would be like tendencies toward jealousy to arise and I would reassure at these times and her reaction was, if anything, to be much more tolerant than the average wife. After reassurance she would encourage me to be particularly nice to other women for instance. In fact I think I felt she was

more trying to make up for a little reaction that she may have had and not wish to express it.

Q Do you feel in your own mind that you ever gave her occasion to be suspicious of your actions?

A I beg your pardon?

Q Do you feel in your own mind that you have ever given her, given your wife occasion to be suspicious or to dislike your actions?

A No but I tried to understand her place. I had been away from home a great deal travelling to other cities, in our own town, out late at night sometimes and I could realize that she might want to know my whereabouts at times and I could realize that. In fact, I attempted as time went on to let her know where I was and how long I would be. My habit had been at the County Hospital, when I was in the hospital, I might be engrossed in a procedure or a particular problem for hours on end. But she knew that I was there and she knew that I was going to be away for 48 or 72 hours at a stretch and if I didn't call her or didn't come home she knew where I was, but if I was in Youngstown or Akron and was delayed more than usual she was concerned. It took me a little while to recognize her concern on that basis and as time went on I attempted to let her know when and if I was going to be delayed.

Q Are there any occasions when you would tell her you were going to the hospital or go someplace and she tried to find you at these places and she could not locate you and you had not been there. Did you ever have any discussion about such type of action on your part?

A There had been times at which she has not been able to find me for one reason or another but yet where I had told her that I was going to one specific place I didn't show up there.

One instance might be demonstrated by the fact that I had been in Youngstown several weeks ago and she knew that that was my day in Youngstown and I believe that I told her before I left that I would be late. That was my recollection. Which I was.

So before leaving Youngstown I had dinner in a restaurant on the way out. Realizing that I was late anyway I couldn't get home in time for dinner I stopped on the east side and saw one of her aunts and uncles and chatted with them and met some friends of theirs and then proceeded home. She was, when I got home, somewhat upset, because she had not realized where I was.

I don't know whether she called Youngstown or not but she had not known just exactly where I was and she was concerned. Of course I told her where I had been and she understood that I was going to be home for

dinner and I had not understood that.

Q Do you recall a party, some Halloween party given at the Bay View Hospital before the new wing was built?

A Yes. I remember one party. There was one given each year for Halloween up to this year.

Q There was a boat house at that time where the new wing is now located or a portion of it?

A Power house.

Q Power house?

A Yes.

Q I mean a boat house. In 1951 or 1952.

A I couldn't say the year but I recall there have been two in that period that I had been to.

Q You took your wife to this party?

A Yes.

Q Do you recall the other people that were at this party?

A Well, practically the entire staff that were not on duty at the hospital at that time were there and their friends.

Q What kind of a costume did you have on that night?

a (No answer.)

Q Did you have a gingham dress on?

A Yes. I think I did and I think I had on a monkey face. Some sort of a dress and a monkey face.



Q What happened to your wife that particular night?

A Nothing in particular. Except that she got tired and was ready to go home and she was -- and I was not necessarily ready to go home and she said well if you want to stay fine, I'll drive on home and someone can drop you off. So I stayed there if that is what you are referring to.

Q Were you paying more attention to some other party that night than you were to your wife?

A No. I wouldn't say so. I was paying attention to a lot of people.

Q Didn't you leave the crowd and walk down to the lake?

A No.

Q With some girl?

A No.

Q You don't recall that?

A No.

Q You don't recall leaving the party and walking to the lake with Sue Hayes?

A No I didn't.

Q Was Sue Hayes there?

A Yes.

Q You don't recall being off alone with Sue Hayes?

A No.

Q You better think. You know you are under oath.

A I know that.

Q What was Sue Hayes doing at the hospital?

A Before I go on with that if there was any question about any girl at that party it certainly was not Miss Hayes.

Q Who was it then?

A There were various -- there -- there was no girl that accompanied me to the beach.

Q Who was smoking your pipe that night?

A I don't know. I couldn't tell you. She might have been. I don't know.

Q Some girl was smoking your pipe that night wasn't she?

A That is possible. I don't know.

Q Who was Sue Hayes?

A She was a technician at the hospital.

Q Does she work at the hospital on Euclid Avenue that is located there?

A I believe she did but I can't say for sure.

Q Where did she get her training, do you know?

A I believe she obtained her training under Dr. Hartman at our hospital.

Q Where is the laboratory located in the hospital?

A It is located on the first floor or level, on the north side.

Q Were there other occasions when you and Miss Hayes would be in parts of the building, in parts of the hospital where she would not normally be and you were with her?

A No.

Q On any occasion whatsoever?

A Not that I can recall.

Q Did Miss Hayes come to your home and have you drive her to the hospital?

A When, now?

Q Anytime.

A Anytime? A couple of times. A few times when we were renting this home in Rocky River she asked me to drive -- she asked to ride to the hospital with me. And she did. That was in the morning.

Q Did your wife go out on one occasion and say the doctor is going to be late and you better go on and she said I would rather be late than walk or than take the bus. Did she tell that to your wife?

A That's possible but I don't recall.

Q She was an employee the same as any other employee of the hospital, is that right?

A Yes.

Q It was because of her friendship to you that she

could come and go as she pleased?

A Well I don't know that she could come and go as she pleased. She certainly was given the privileges that any other faithful and helpful person would be given, nurse, janitor, supervisor or anyone else, if they are unavoidably detained they are certainly given an amount of consideration.

Q Did you ever tell one of the employees at Bay View Hospital, "I went to school to be a boss and not to be bossed"?

A I don't believe I did. I might have stated that being a professional man I appreciate being my own boss.

Q Did you tell one of the kitchen help or one of the dining room help that you went to school to be a boss and not to be bossed and not to take direction from dining room help and kitchen help?

A No.

Q Now on numerous occasions haven't you gone to Miss Hayes ' house and picked her up and brought her to the hospital?

A I have on several occasions done that as have many of the doctors at the hospital, since she was very helpful on emergency problems and would come in when we had difficulty obtaining any technical help.

Q The reason for Miss Hayes leaving the institution

was because she was creating difficulty?

A No.

Q What was the reason for her leaving?

A Well I can't give you her reasons.

Q I mean so far as are known.

A The main reason that I know of is that she felt that she needed a rest and I happened to run into her father some months later. In fact from -- maybe six weeks or so ago and he indicated that he practically made her quit because he felt that she had been overworked at that time.

Q When did she go to California?

A I cannot give you a specific time.

Q When were you in California?

A In early March.

Q Did you write a recommendation for Miss Hayes to Dr. Hoversten when she went to California?

A A recommendation, what was that?

Q A recommendation about getting a job.

A A year or two ago Miss Hayes went to California before Dr. Hoversten came back here and I may have written to him then mentioning that as Miss Hayes would be coming out and if he could help her in any way that she was a reliable, good technician.

Q You bought car from the MG Motor Sales, didn't you?

A Yes.

Q A 1952 MG?

A I bought three of them.

Q You traded a 1952 Mercury convertible on a 1952 MG?

A No that was one that I didn't buy. I thought I would but I took the MG home and I had had a little mechanical trouble on the Mercury, nothing serious, and I went into the MG agency and made a deal and I took the MG home and I repaired it and I talked it over and she didn't want that car for her car and she wanted a Mercury.

Q You have a sales slip here dated January 30, 1954.

A Yes. But that night we took the car back to get the Mercury back.

Q Your sales slip did come from MG Motor Sales, is that right?

A Oh, yes. If he had wanted to he could have made me stick to the deal but he didn't, he allowed me to take the car, the MG back and take the Mercury.

Q Who is Mr. Rock?

A Mr. Rock is the name that Miss Hayes gave me along with another address hoping that I would look her up when I could visit California.

Q She gave you this subsequently to January 1954?

A It must be. Must be shortly before she left.

Q When did she leave?

A I cannot give you the exact date. I don't really know for sure.

Q Was it May or April or February?

A I don't know. It was some time after the first of the year.

Q Did you sign your name on here?

A I can't recall. I probably did. On the sales slip?

Q Yes.

A Probably did.

Q Who is Dorothy 11727 Julius?

A That's Mrs. Shabla.

Q Topaz 2-7338.

A I believe that is the telephone number.

Q Is that your handwriting?

A That's my writing, yes.

Q Is that your writing?

A That's my printing.

Q What is this here? Is this your writing?

A Over here?

Q Yes.

A No.

Q Whose writing is that?

A That says "still writing"?

Q Yes.

A I have no idea.

Q Whose writing is this?

A That's my printing.

Q When you say that's your printing what are you referring to?

A Dorothy, 11727 Julius, Downey, Topas 27338.

Q When you say it is your printing are you referring to over here?

A Rock 49 Libbitt.

Q Is that 49 Libbitt?

A I guess it is partially obliterated here. I guess it is 4944 Libbitt.

Q And the word "still writing", is that your handwriting, is that your handwriting?

A I have never seen it before.

Q Did you visit Sue Hayes when you went to California?

A Yes.

Q You went on February 26th this year, 1954?

A I cannot tell you the date.

Q You were there during the month of March?

A I was there during early March.

Q What date do you recall that you visited her?

A I couldn't give you specifically.

Q Had you been there a week a day or three weeks?

A Oh I was only there in Los Angeles 10 days to two



weeks. I cannot even give you the specific number of days that I was there.

Q You were gone a month and you only spent 10 days in Los Angeles?

A Yes. It takes six days to drive each way approximately, five or six days. I may have been there more than 10 days but not much more.

Q When you drove that time didn't you drive without any rest and without stopping so you get to California and didn't your wife get angry at you?

A No. In fact, she was quite pleased that I --

Q Didn't she want to rest?

A We stopped every night. On the way back on our trip in October I was asked to come back --

Q Are you talking about March of 1954?

A That's right.

Q You left here February 26th?

A That's possible. I'm not sure of the date.

Q How long did you stay at the Chapmans?

A Three or four days. I can't give you the exact number of days.

Q They lived in a suburb of Los Angeles?

A No. They lived up in northern California.

Q Did you and your wife both stay at the Chapmans?

A Yes, at the end of my work in Los Angeles.

Q No. I am talking about 1954.

A Yes, at the completion of my work in California I proceeded to the Chapman home where we stayed together.

Q Did you have any difficulty with the Chapmans?

A With Mrs. Chapman, yes.

Q What was that difficulty?

A Dr. Chapman and I had discussed the possibility of his coming back to this area to practice and in some way work together in this area, possibly some of the neighboring cities. Mrs. Chapman took a very sudden and vigorous turn on me and although she had been extremely friendly with my wife and me she even practically turned on my wife, because she would not take sides with Mrs. Chapman.

Q And that was because Dr. Chapman and you were thinking of setting up business here in Ohio, is that the reason for it?

A That is my understanding and she felt that his job was to stay there and continue and complete his work there. She felt that he should not leave.

Q He has been very successful financially, hasn't he? He owns a ranch and other things?

A Yes.

Q Wasn't your difficulty the fact that Mrs. Chapman did not like the idea of you running around with Miss Hayes?

A Certainly not.

Q Wasn't that disagreement with your wife because of the fact that she was not vigorous enough to your reaction to your running around with Miss Hayes?

A Certainly not.

Q What days did you visit Miss Hayes when you were there?

A I cannot give you the specific day.

Q You called the Rocks and found out that they were not home, is that right?

A No, I didn't call the Rocks.

Q You called this Dorothy, Topaz number, you called and found out that Sue was home?

A Yes.

Q When you left Cleveland what was the first stop you made?

A I can't remember specifically. You mean where we spent the night?

Q Yes.

A I cannot say. We made or four or five trips to Los Angeles and we had stayed at different places each time.

Q Approximately how many miles did you make?

A Well there again I cannot tell you for sure. I am attempting to answer.

Q Where did you stop the second night?

A I couldn't say. I do remember one thing as we were passing through Memphis, Tennessee and we heard they had a large snowstorm that was going on in Cleveland and we were sort of with mixed emotions because we both like snow and are both interested in being here if we had had a big storm.

Q Do you remember the day and date that you got to California?

A No.

Q How many days did it take?

A I can't say for sure. I think it took us five, but I am not positive, maybe four.

Q Other than Memphis, do you remember any towns that you stopped off over night?

A I don't believe we stopped off overnight in Memphis.

Q Other than Memphis do you remember any other towns?

A Well, I remember that we took a new road which was a south route and we went through Dallas and Fort Worth as I recall and went through the larger Texas cities in the lower portion of the state. I think Dallas and Fort Worth are together, are they not and then there is another one at the other end of the state. Houston something like that. Then I do recall going through Phoenix.

Q Did you go through Yuma?

A Yuma, I can't say for sure.

Q Where did you stop then when you got to Los Angeles?

A I went to Los Angeles and we got in touch with Dr. Chapman.

Q Was Dr. Chapman in Los Angeles at that time?

A Yes.

Q Where did you stop?

A Where did we spend the night?

Q Spend the night. Where did you register, did you register in the hotel?

A I stayed in the motel near the college where I had my work and my wife went with Mrs. Chapman.

Q You stopped at the motel and the wife went with Mrs. Chapman?

A Yes, because Mrs. Chapman didn't have room for all of us.

Q Who did you drive with other than your wife and yourself?

A Drive?

Q Yes.

A Where?

Q Who else was in the car?

A When?

Q From Cleveland?

A No one.

Q Mrs. Sheppard went with Mrs. Chapman and you went to the motel?

A Yes.

Q What is the name of the motel?

A I can't recall.

Q Do you have to register in that motel?

A Yes, I believe so.

225

~~225~~

No  
mention  
by Marilyn  
of

"Go & visit  
Sue while  
you're  
there."

Q Did you register?

A Yes.

Q Where did Mrs. Chapman take Mrs. Sheppard?

A I believe they stayed in the office of Dr. Chapman.

Q His office in Los Angeles?

A In Burbank.

Q How long did she stay there with Mrs. Chapman?

A The next morning she and Mrs. Chapman came over to where I was and came in and brought me some luggage that they had taken with them and we said good-bye, embraced and she asked me to study hard and whatever I did to have a good time.

Q And where did she go?

A . She went with Mrs. Chapman.

Q What is the name of this place?

A Where they have their ranch.

Q What is the name of the ranch?

A Calero, it is called Ranch Calero.

Q Where is it located?

A Northern California.

Q In what county is it?

A I believe it is in Monterey County, it is right near Carmel.

Q That is about 250 miles north?

A Further than that.



Q 350?

A A little over 300 I think.

Q How long did you stay in Los Angeles?

A I am not sure how long I was there.

Q Then where did you go?

A Then we proceeded to the Chapmans.

Q During the time that you stayed in Los Angeles you stayed at the motel constantly?

A No, I hardly stayed there at all. I encountered an old friend of mine who insisted that I stay with him.

Q And who was he, what was his name?

A Dr. Miller.

Q And his first name?

A Arthur.

Q And the address?

A I can't give you the address.

Q The street?

A I can't even give you the street.

Q Does he have an office there?

A He has an office on Kingsley.

Q Dr. Miller is a classmate or year classmate then?

A He was a year ahead of me.

Q Is Dr. Miller married?

A Yes.

Q You stayed at his place?

A Yes.

Q Did you stay at any other place?

A No.

Q Other than the motel or Dr. Miller's?

A Not before I went up north.

Q I am talking about the days that you were in Los Angeles?

A No.

Q How many times during that time did you see Susan?

A I can't say for sure.

Q Once?

A More than once.

Q Five times?

A I would say less than that.

Q Three times?

A I can't say for sure. I can't. I am not real positive.

Q You are definite that you don't recall any particular number of times that you went out with Susan?

A I can't say for sure.

Q When you went out with Susan how long was she in your company or were you in each other's company?

A How long?

Q Yes.

A In one specific time?

Q Yes.

A Oh, probably the longest time was the trip to San Diego and that included a wedding and a dinner.

Q Where did you meet Susan that night or day?

A (no answer)

Q Did you go to the Shabla house?

A Yes, but we went there anyway to pick up the two. Mr. and Mrs. Shabla.

Q Isn't it a fact that Susan stayed at Dr. Miller's house the same time you were there. Didn't Susan stay there overnight at Dr. Miller's house?

A Susan, when?

Q Didn't she stay there during the time you stayed there?

A She stayed in his house, yes.

Q When you were there?

A When I was there.

Q She stayed there for about a week at the same time that you were carrying on this course at the hospital?

A I am not sure that it was a week.

Q How long was it?

A I don't know. I don't think that it was that long. Dr. Miller and his wife asked her to stay and the home that she was staying at was quite some distance from Los Angeles, or quite a distance.

Q Isn't a fact that you took her there?

A I took her there?

Q To Dr. Miller's place?

A Yes, at Dr. Miller's invitation.

Q You are making it very difficult. You know these answers and I am pulling them out just like teeth.

A I am trying to give you these answers.

Q I want you to tell the truth, that is all.

A That is what I am doing. I might add that Dr. and Mrs. Miller's suggestion that she stay was based on the fact also that they would be very grateful to have her there to help take care of the young boy that they had.

Q How did Mrs. Miller happen to meet Miss Hayes?

A Dr. Miller I think met her over a year ago in Los Angeles. At that time -- she visited Los Angeles before.

Q Isn't it a fact that you and your wife had some considerable discussion about Miss Hayes staying at Dr. Miller's place when you were at the Chapmans?

A No.

Q Isn't that one of the reasons for difficulties?

A What difficulty?

Q With Dr. Chapman and Mrs. Chapman?

A I had no difficulty with Dr. Chapman.

230

Here is why  
Mrs. Chapman  
is mad  
at Sam ...  
"she has a  
problem w/  
her husband."

Q With Mrs. Chapman?

A Absolutely not. Mrs. Chapman's big problem was her problem with her husband.

Q You were just an innocent third party in the argument between them?

A Both of us were in fact.

Q This simultaneous visit of Miss Hayes and you at Dr. Miller's house created considerable difficulty?

A What sort of difficulty?

Q With everyone concerned. Did Dr. Miller make a statement to you that you ought to be psychoanalyzed for bringing her out there? Did he make that statement to you?

A Heavens no. Dr. Miller is the one that insisted -- in fact I felt and she felt that it was not a good idea and he and his wife insisted.

Q What would Miss Hayes do during the day?

A She helped Mrs. Miller take care of the child.

Q She gave up her job that she had?

A She did not have a job to my understanding.

Q When did you hear from Miss Hayes last before you went to California?

A When she left.

Q Did she telephone you?

A No.

Q Did you telephone her?

A No.

Q Did you telephone her in the last couple of weeks?

A No, I have not.

Q Have you had anyone telephone her for you?

A No, I have not.

Q Have you been in contact either by telephone or by letter with Miss Hayes since you left Dr. Miller's?

A No.

Q Has your wife, did she get a letter from Miss Hayes?

A Not that I know of. She may have, but not that I know of.

Q Did she send her a letter?

A I don't believe so.

Q The watch that you purchased for Miss Hayes, what did you have to pay for it?

A I can't say specifically, but around \$50.

Q When did you buy that?

A I bought it shortly after she lost it, a day or two.

Q Was that in March?

A I believe so, yes.

Q Where did you take this post-graduate course?

A At the college. It is part of a course of study that I initiated during my residency.

Q Was this a scheduled course or something extra

that you can set up any time?

A It is a part of a course which is designed to terminate in the Doctor of Medical Science Degree. It is a gathering of dietetic and clinical study which is initiated during the residency and this particular portion was to include certain special dissection. This was contemplated in October when I was in Los Angeles for a surgical convention and due to the fact that there were several urgent problems at that particular time I was called back earlier than I had contemplated.

Q Have you any correspondence relating to this course?

A You want me to finish your question?

Q Yes, I am sorry.

A At the time in October that I left Los Angeles I made tentative arrangements to come back and complete that work. It is special work and especially designed for a surgeon. It is not a course that is given for general practitioners on a regular basis or anything of that type.

Q Did you have any correspondence with anyone at the college that gives you any information at all about this course?

A You mean letters to me?

Q Letters to you and you sent letters to them?

A I am quite sure they have letters from me in regard to it.



Q You have to set up a particular time to be convenient for everybody concerned?

A That's right.

Q Who is the supervisor of this course?

A Dr. Richard Stewart who is a P.H.D. in charge of the anatomy department is the director of that study.

Q Did you have correspondence with him?

A I had in regard to my work.

Q No, I mean in regard to this particular time to set up the date in Los Angeles at this particular time?

A Yes.

Q You have correspondence asking you to be there at that time?

A I don't know that I have anything asking me to be there. I believe in my letters I would have something stating that they are expecting me for that particular time. I cannot say that I can produce it.

Q Where does Susan live?

A Now?

Q Yes.

A She is with Mr. and Mrs. Shabla I think.

Q Where was she when you visited, where did she live when you visited?

A At their home.

Q Before going up north, when you were ready to

leave the Miller home did you take Susan back to the Shabla home?

A Yes.

Q You took her back and then you went on up to visit the Chapmans?

A Yes.

Q This course that you took did that take any required number of hours in a day?

A Took work almost every day.

Q I mean the number of hours that you had to spend at it, did you spend five hours, six hours, ten hours or what?

A I couldn't say any specific number of hours.

Usually in that sort of a thing I spend more hours than necessary and thereby don't worry too much about requirements.

Q You can set your own time?

A As long as the work was done.

Q Yes.

A The main thing was not the number of hours spent in the laboratory or on the job, the main thing was production of a successful dissection. This work included an approach to the fifth nerve rootlet from the posterior-lateral approach, which was to be done in steps evaluated thereby and if the work can be done rapidly that is wonderful,

and if it is done more slowly that is up to the particular individual. There is also included some routine work of the exploration of the fossa from two different approaches which I was able to perform fairly rapidly because I had done some of this work before and it was not a particular problem to me.

Q I want to bring you up to July 3, beginning at six o'clock in the evening, can you tell us on July 3, what happened?

A Well, I have given a written statement on that. I can include that into the record.

Q No, what you have said previously does not mean anything?

A I cannot give you specific times. You say from six o'clock on?

Q Yes, put it this way, from the time you were over at the Aherns?

A From the time we were at the Aherns. We arrived at the Aherns as previously arranged and they were -- do you want me to take it from the time that we came back and had dinner?

Q Yes.

A My wife came ahead and started dinner and we came down and the children were playing and the girls were preparing dinner and Mr. Ahern and I were chatting. As I recall now, which I had not recalled up to now, which too is not particularly significant, I had mentioned the fact that I told him that I had a rather difficult day. I related to him about the youngster that had been run over by the utility truck and how I had been performing some work in the hospital with some other youngster and

the man ran in with this poor youngster that had been injured and we took him into the operating room and we did all that we could for him. Shortly after our youngsters evinced an interest in a punch bag that I had in my basement I went down with them and showed them something about how to turn to strike the bag to assume and reach some sort of a rhythm and because of their size of course they couldn't reach it. So I believe that I found a bushel basket and turned it over and allowed them to hit it.

Going upstairs shortly thereafter I believe the youngsters were fed in the kitchen and we then, the four adults, ate on the porch.

It was rather windy from the north, porch on the north, and we therefore thought that some sort of jackets or sweaters or something should be worn. I put on the brown corduroy coat.

May I have a drink of water?

CORONER GERBER: Oh, sure.

A (continued) I am not sure what the others wore, but we had a leisurely dinner on the porch.

Do you want me to continue on with the events?

Q Yes, please.

A I cannot remember the food that we ate except that we had pie. She made pie for me because that was my favorite

dessert. She made it.

Q Did you have a meat course?

A We must have. I don't remember. All I can remember is that we had berry pie.

Q Did you have a salad?

A We must have had a salad, but I can't remember.

Q I am talking about usually.

A Usually, yes. Almost always.

Q Did you have a meat course and a salad and vegetables?

A I wouldn't remember. Do you want to know what we usually ate?

Q Yes.

A Well, our standard was a meat course and vegetables and a salad, dessert.

Q May I ask you what time did you eat?

A That I couldn't tell you.

Q Approximately?

A I really don't know. It was either getting dark or almost dark. It must have been around nine o'clock. I can't say specifically.

Q And how long did it take you?

A Quite some time. We certainly didn't rush. We had nowhere to go. We were talking and chatting. One thing that held us up was the fact that I had been called to the hospital from the Aherns to examine a patient.

Q Did you go to the hospital?

A Yes, from the Aherns and following the dinner --

Q You didn't go to the hospital after you got home?

A No.

Q You went to the hospital while you were still at the Aherns?

A I went to the hospital from the Aherns.

Q You went back to the Aherns?

A I returned from the hospital. I saw no one was at home so we returned to the Aherns. Do you want me to go on?

Q Yes. Now, after dinner --

A After dinner, I am not absolutely sure about anything until we were seated watching television. I have a hazy recollection that I talked with Ahern, the girls cleaned up the dishes. I didn't remember until Mr. Rossbach mentioned it that Mr. Ahern had taken their children down to their house and put them to bed. My wife must have put my youngster to bed, but I cannot say that I remember those events specifically.

Q Do you remember looking at the -- watching the television?

A Yes. As I say, I remember.

Q What was on?

A I don't remember. I believe it was a movie.

Q A movie?

A Yes.

Q Did you listen to the ballgame?

A I didn't listen to the ballgame, but Mr. Ahern was over in a corner, in the northwest corner of the room with the portable radio turned up just high enough so that he could hear it and Mrs. Ahern and my wife and I were sitting watching the television and my wife and I were sitting in the same chair for some time, very close, and we have these chairs which -- in fact the Aherns let us use --

Q Go ahead and tell me.

A Mr. Ahern would speak up at various intervals and report as to what progress the game was making, what was going on. Shortly thereafter Mr. Ahern turned the radio off. I couldn't say whether the game was over or he just gave up, but I don't believe the game was over. And he came over and sat in one of the chairs watching television with us. Mrs. Ahern sort of laughing at my wife and me, sat in his lap for a few minutes and then both girls moved to other chairs.

Shortly thereafter my wife complained that sitting in a cramped position bothered her back. So she sat in another chair. I believe it was one on the other side of the table, or right next to it. We continued to watch for awhile. I became tired and went around the corner



241

Watch is  
worn on  
his  
left  
hand

of the living room to the couch and laid down on the couch.

Q What did you have on at that time?

A I am not absolutely sure whether I at that time had on my cord jacket or not. I had on summer cord pants as I recall earlier in the evening and a T-shirt and loafer shoes, without shoe strings.

Q Did you have a watch on?

A I couldn't say for sure. I probably did.

Q Where do you wear your watch?

A- On my left arm.

Q Do you wear your watch with the back of your watch on the back of your wrist?

A Back here, on here (indicating).

Q Do you watch with the back of your watch at the back of your hand, at the back of the wrist, or do you wear it on the palm?

A I usually wear it on the back.

Q The same position I have it?

A Yes. However, sometimes it would slip, the band stretches and sometimes it would slip.

Q That was an automatic watch?

A Yes.

Q Do you wind it?

A Almost never.

Q You depended on its action for movement?

A Sometimes I wound it because it would run down and stop and that would happen from time to time, because I put my watch in my trousers during my surgery naturally and sometimes followig surgery I leave on my -- in fact I almost always while I am still in the hospital I leave my scrub clothes on and the watch may stay in the trousers for several hours without having any action to wind it but usually it would tick.

Q Well if you didn't wind it up would it run without stopping?

A I couldn't tell you.

Q Had the watch ever been damaged?

A She bought it for me because I had always been kind of hard on watches. I had gotten it in places and it had been knocked about. Nothing serious.

Q Was the band ever damaged, the watch band ever damaged that you know of?

A Well it had been separated a time or two and it had been fixed.

Q On occasions?

A Yes. Nothing, I would say nothing more than just being worn heavily.

Q Where did your wife wear her wat ch, on the left hand or the right hand?

A I believe on her left hand.

Q Was her watch in good shape?

A The last I knew it was.

Q Had it ever been lately repaired?

A I think that she had had it repaired lately. I am quite sure that she had a new band put on it fairly recently.

Q Where would it be repaired?

A I can't say for sure because she took care of all those things, but usually at Halle's.

Q At Halle's. Did you have your watch repaired?

A No. We had planned to have it repaired.

Q It had not been repaired lately?

A No.

Q I am sorry I interrupted you. Go ahead and finish your story. You went to sleep.

A Well I lay on the couch with my head toward the television set and watched the television for a while and evidently I went to sleep.

Q Try to recall what you had on when you went to sleep?

A I wish I could tell you for sure but I couldn't other than what I told you.

Q You had that corduroy jacket on?

A I really don't know.

Q And are you positive you had a T-shirt on?

A I had a T-shirt on earlier in the evening and I

don't know any reason why I would have taken it off.

Q It was cool?

A It was cool out on the porch.

Q What about the living room and dining room?

A It was very comfortable.

Q Did you have a fire on?

A In the fireplace?

Q Yes.

A No.

Q Go ahead then.

A The next thing I can remember in my hazy recollection was some thought that my wife had barely aroused me and indicated that she was going bed, for me to come on up. Evidently I was not aroused very much because I must have gone back to sleep. The next thing I know I heard her say my name loudly, screaming my name. It wasn't actually a scream. I really can't explain it. Once or twice possibly as I was going upstairs, I believe in the back of my mind, my subconscious reaction was that she was having a convulsive seizure similar to what she had during the earlier pregnancy.

I rushed into the room and several things happened almost simultaneously. I felt that I could see a white form of an individual. I was grappling with someone. I heard her moaning loudly some noises and I felt that

245

I looked at  
her and  
felt her

245

Comes to  
sitting  
pos. w/ feet  
facing door

I was struck down from behind but I can't say for sure. That was all.

Sometime after that, I have no way of knowing how long, I remember coming to a sitting position, facing the doorway. I somehow saw some sort of a glimmer of a reflection and I recognized the badge on my wallet. In picking that up and putting it in my pocket I recognized that I had been injured. I was fearful for my wife. I looked at her and felt her. Although it was difficult to see clearly I felt that she was gone. I am not sure. In evaluating that stage it is difficult to say because I was so hazy. I believe that I then rushed into my son's room to be sure that he was all right and I wanted to find out if anything happened to him. I am not sure how I determined it but I felt that I established the fact that he was relatively all right.

At that time, or in coming out of his room I thought that I heard a noise downstairs and I went downstairs as rapidly as I could. I somehow felt that this noise was toward the far and the front part of the house, the house part toward the lake. So I turned down on the north section of the stairway and rounded the L portion of the living room and went toward the dining table. At that time I saw the figure between the front door, the front door of the house and the front door of the

Also: <sup>25/6</sup>  
where are  
footprints  
in sand  
near base  
of stairs  
up to  
house

Sam  
bringing  
himself to  
his feet and  
walking up  
stairs and  
have disturbed  
sand



porch or possibly beyond that point, possibly towards -- slightly towards the yard. The prospective was very difficult as I think of it now. I pursued this form as best I could. I lost sight of it down the stairs and saw it again go down the stairs from the landing where the beach house is, down to the beach. I ran down those stairs from the landing down to the beach and at that time I thought that I could see a form of a, as I think of it now -- I thought -- I can't quite decide in my mind what brings me to this feeling, of a big man, whether it is because he struck me down so easily or whether I can definitely visualize a large form, but it seems to me that it was a form that was relatively large, large head, good size head. But I grabbed and tackled this individual. I thought I had him from behind. The clothing from behind was dark. I felt as though I was twisted or choked or struck and that's all I remember at that time. The next time I can remember in any clarity at all was coming to some vague sensibility on the water's edge at the beach, my head facing toward the bank and my feet into the water. And as I stated to Mr. Rossbach I felt like I was being wallowed back and forth by the waves. About the height of the waves I felt that they were medium. They were not huge yet they were not small. Slowly, how slowly I can't say, I drug myself up into the

247



Felt  
pulse  
on neck

beach and came to some sort of sensibility.

During this period I believe I choked and coughed some. I started up the stairs and eventually I realized that something was wrong, that I had been injured, that my wife was probably, or had been injured. I went upstairs.

The time element here is difficult to estimate. I went into the room and I saw her. I felt her pulse on her neck. When I felt her I thought she was gone.

Then I -- I don't know, I can't explain my reaction. I thought I would wake up out of this horrible fantastic dream. I hoped I would. I may have walked around upstairs. I may have gone into other rooms. I may have gone in -- I don't know exactly what I did. Eventually I may have gone back in and seen her again.

I realized that this was at least momentarily real and I went downstairs searching my mind for what to do, where to turn, if I could run to get a number and the number came into my mind. That of Mr. Houk's. I dialed it and he answered and I said something but I don't remember what I said.

It was a short time that he and his wife arrived but it seemed like almost eternity and I was during that time pacing the house, not sure just where, trying to shake it off or wake up or something.

CORONER GERBER: I think we will

suspend until tomorrow morning at nine o'clock. Are you getting tired?

THE WITNESS: I will go on as long as you want to.

CORONER GERBER: No, no. We will suspend until tomorrow morning at nine o'clock.

---

Inquest resumed, 9:00 a.m., July 23, 1954.

DR. GERBER:        Now, I want  
to caution the members of the press, the photo-  
graphers and reporters and members of any  
other news agency, regardless of what it may

be, that the same rules as I set down yesterday will obtain. I want to caution the audience to be as respectful and nice as they were yesterday.

- - -

DR. SAMUEL H. SHEPPARD, having been previously sworn, was further examined and testified as follows:

EXAMINATION - DR. SAMUEL H. SHEPPARD

By Dr. Gerber:

Q Doctor, you said yesterday -- you can turn your chair over so you don't have to look directly at that sun -- you said yesterday that you did not recall when Mr. and Mrs. Ahern left to go home on the night of July 3rd?

A Yes.

Q Is that right?

A Yes.

Q You said that your wife Marilyn woke you or disturbed you before she went upstairs?

A I believe that she did.

Q You believe that she did. Do you know what time that might be?

A I have no idea.

Q Do you know approximately the amount of time that might have elapsed from the time that you first went over on the couch until the time that you thought you were

aroused?

A No, I have no way of knowing that.

Q When you thought you were aroused what did your wife say?

A I can't tell you.

Q Do you know whether or not at the time that you thought you were aroused Mr. and Mrs. Ahern had gone home?

A I have no idea. It was just a hazy recollection of being disturbed. I couldn't even say for sure what was said or who it was. However, in thinking about it I assume that it was my wife because that was her habit, if I should fall asleep on the couch or in a chair, which happened occasionally, she would not necessarily make me get out on the floor and insist that I go upstairs, but she would merely let me know that she was going up. Sometimes I would awaken and go up with her, and occasionally being in a somewhat deeper sleep would not respond.

DR. GERBER: Let the record

show that the Coroner directed the witness to move out of the direct sunlight, and that the witness is wearing colored glasses, and that the witness removed the Shantz collar.

Q Do you have any definite recollection as to what happened immediately after you thought that you were aroused?

A You mean by, what I thought was by my wife?

Q Yes.

A No, nothing definitely, no recollection at all.

Q Do you have any recollection as to time?

A None at all.

Q Then, did you say yesterday that you thought she said "Let's go upstairs"?

A I don't believe I said that I quoted her. I may have said that my thinking, in thinking back I felt that she must have indicated that she was going up. I can't say that I remember her saying anything.

Q Can you recall and relate the condition of the furniture in the living room and what you call the combination living room and dining room?

A When?

Q The night of July 3rd after you came in from eating your meal on the porch.

A The condition of the furniture?

Q Yes, sir.

A Do you mean placement?

Q Placement, anything else that you may recall about it.

A There were the two larger chairs on the south wall with the table between them, which is the usual placement. There was the chair in the northwest corner next to a table, and I believe that is the chair that Mr. Ahern sat



in while he listened to the ballgame.

Q Go ahead.

A There are two other chairs in that area that I can't say specifically their placement, but must have been used at the time of the watching television. One is a green sort of easy chair, and one is a, is a supposedly original or Rio Boston rocker that I purchased for my wife because she was interested in antiques, and that was somewhere in that area. And there was the couch or daybed type arrangement that has a coverlet on it that I reclined on. I can't say specifically for the dining room chairs. They were placed around, usually are placed around the eastern portion of the room, but I can't say specifically that I noticed them that night.

Q Was there anything else?

A Nothing that I can say I noticed. There is a little footstool that is usually in the area somewhere.

Q What about the secretary, the secretary desk?

A Well, that is placed on the north wall of the room, not too far from the door.

Q Was your wife a meticulous housekeeper?

A Yes, very much so.

Q Do you consider yourself meticulous in your dress and things which you would do about the house?

A I?

Q Yes, sir.

A No, not necessarily. I attempt, I attempt to dress carefully, and so forth, but my tendency was to leave shirts hanging and socks on the floor, and that sort of thing.

Q What about your personal belongings such as in the desk drawer or other places, would they be kept in orderly fashion or would they be helter-skelter?

A What sort of personal belongings?

Q Well, things that belong to you personally that you kept in a desk drawer.

A Well, that might vary. Certain things might be helter-skelter and other things neatly kept. My surgical records I attempted to keep neatly and well kept so that I could keep them straight.

Q What about your medicine kit?

A The medicine kit tended to be rather helter-skelter because I kept it, carried it in the back of my car, and it was subjected to a lot of turning and bouncing, and yet certain portions of it were such that I knew where to find things.

Q What about the secretary, the desk secretary in the living room, was that kept in order by your wife or by yourself?

A That was kept in order by my wife. I couldn't tell

you the way in which she kept it. I would imagine it would be neatly kept.

Q Now, when you were moving about the room, the living room, and the porch, on July 3rd at around 10 o'clock, you had on a T-shirt and a corduroy jacket, is that what you said yesterday?

A As I told you yesterday, I believe I explained that when we went out to have dinner on the porch, we found that it was windy, and not cold but slightly chilly, and at that time I put on a corduroy coat. I don't believe that I specified time because I don't remember the time.

Q Do you recall taking it off?

A Not specifically.

Q Do you recall Mrs. Ahern locking the door that leads to the porch when you were through on the porch?

A No.

Q Do you recall that door being locked?

A Which door?

Q The door that leads to the porch.

A No.

Q From the living room.

A No.

Q You have confidence in your friend Mrs. Ahern's memory?

A Certainly, as much as I do with anyone.

Q If she said she locked the door, would you think that door was locked?

A Certainly.

Q If she said she put the chain bolt on the door, would you believe that that was a correct statement?

A Yes.

Q If she said you were wearing a T-shirt and a corduroy jacket when you were lying on the chaise lounge or couch, whichever one you want to call it, would that be correct?

A She probably would be able to say better than I.

Q If she said that you were wearing this T-shirt and jacket, corduroy jacket, at the time that she left, which was between 12:15 and 12:30 on July 4th, just past midnight July 3rd, would you believe that?

A I believe whatever she said. She must have been awake and conscious.

Q You were up and about and moving around watching the television before you decided to lie down on the couch? You were not sleeping, you were up moving around, you were awake?

A I was awake before I laid down on the couch.

Q You were conscious of what you were doing at that particular time?

A I was conscious, yes.

Q You were conscious watching the television after you

started resting on the couch?

A Vaguely so.

Q According to your own statements previously.

A Vaguely so. Yes. I didn't just jump on the couch and go right to sleep.

Q Well, then, do you remember whether or not you had on this T-shirt and corduroy jacket at that time?

A I can't say that I remember anything about my apparel specifically at that time. I would see no reason why I would remove my T-shirt. I could have removed my coat without remembering it. However, I don't have any idea whether I did or not.

Q Well, if you removed your jacket where would you have put it?

A I have no idea. I might have put it anywhere.

Q If on the morning of July 4th, at 6:10, at approximately 6:10, this jacket was found folded neatly at what you would assume the foot of the couch, in view of what you stated previously where your head was, how would you account for that ?

A I can't account for it. I don't know.

Q Would your wife have folded the jacket and put it at the foot of the couch?

A You say would she have?

Q Yes.

A I can't tell you that. If it were available she might have.

Q How tall are you?

A Approximately six feet.

Q What is the length of the couch?

A About that length.

Q Then if you were lying on the couch with your head on the pillow at one end, where were your shoes and ankles be in reference to the coat or jacket?

A It would be at the other end.

Q It would have to be on top of it, wouldn't it?

A The top or the side.

Q But the jacket is folded over, hanging over the side of the couch. How could it get in that position?

A I don't know, Doctor.

Q How many pillows has this couch?

A Well, there are two large foam rubberlike pillows that have frills, well, I don't know that they do have anything on them, but they are larger pillows that are covered with the same material that the couch is. And occasionally there is a pillow on and around the couch or near the couch that we might use which go with one of the other chairs in the room.

Q You had your head and shoulders on one of the pillows on the end of the couch that would be considered north?

79 A Yes. I believe that I was on a pillow, that is my recollection.

Q The other pillow was located at the south end against the wall, is that your recollection?

A I don't have any recollection of the other pillow. It probably was. I may not have even been on the one larger pillow toward the north. It may have been one of the smaller pillows that we occasionally used.

Q You have two pillows, do you, of the same type?

A Yes.

Q Seafoam type, is that what it is?

A Well, yes, they have, I believe they are sponge rubber type.

Q Sponge rubber type, two of that type, is that right?

A Yes, that go with the couch.

Q That go with the couch, and where were they usually kept?

A Right on the couch.

Q Against the wall?

A Usually.

Q Now, if Mr. and Mrs. Ahern told you that you had your, that you were lying on your stomach with your shoulders resting on the pillow, and your arms resting on the pillow, with your head pointing to the north, would you believe that?

A If that is what they said I believe it.

Q And if that same pillow was found in the same position at six o'clock in the morning, would you believe that they still were telling the truth?

A I would have no reason to doubt Mr. and Mrs. Ahern.

Q Then, again referring to Mr. and Mrs. Ahern, if they said that you were wearing a T-shirt and jacket at that time, would you have any reason to doubt it?

A No.

Q Then how can you account for the jacket being folded neatly at the south end of the couch, and the T-shirt missing from your body?

A Doctor, I can't account for that anymore than you can. However, it is conceivable that during my sleep I might have become warm and shed the coat either before or after my wife --

Q Well, then you would have to get up to do that?

A If that is what you have determined from --

Q I am asking you, you would have to get up to do that?

A I don't know. I don't believe I would necessarily.

As far as the T-shirt is concerned I have no idea what happened to the T-shirt.

Q Living on the lake, and you have lived there three years, it begins to get cooler at nighttime, is that right?



A It tends to get cooler at night.

Q And at past midnight it is still cooler?

A Well, occasionally yes, and --

Q Well, let's take this particular night. You said it was chilly, it was cool, when you were on the porch?

A On the porch.

Q Then do you think that it wouldn't remain cool even though you were in the house?

A I don't have any thought about it, Doctor, I can't tell you. When a person is asleep they respond in various ways, as you know.

Q If persons in the same neighborhood had a fire going in the fireplace, you would have to assume that it was cool inside of the house, would you?

A I have already stated that it was chilly on the outside, but I don't recall having any feeling of coolness after coming into the house.

Q Do you usually, when you retire, sleep with bed covers or not?

A In the summertime, very few.

Q There is some kind of a cover?

A There is some kind of a cover available. I often don't use any.

Q You have found it necessary on occasions, have you?

A To use bed covers?

Q Yes, in the summertime.

A Occasionally.

Q Your bed which you usually slept in was equipped with covers, is that so?

A That could be. I can't say specifically.

Q Well, you slept on that bed on numerous occasions, do you know whether or not your wife maintained covers on that bed?

A There was a light cover of some type, I believe. There was a spread which of course was turned back before the bed was used.

Q Was that your wife's usual habit to turn the spread and cover back so you could get into bed readily?

A Oftentimes, yes.

Q And the sheet was also turned back with the covers, the top sheet?

A Often, yes.

Q Did you notice whether or not it was done on this particular occasion, on this night?

A I didn't notice. I might add that we during this type of weather always slept with the windows, as many windows open as possible, to get as much circulation as possible. I don't know the condition of the downstairs in regard to windows open, but I gather and believe that probably she closed things up, or the Aherns did. It

was probably a very poor circulation and ventilation which might have accounted for a stuffy or warmer environment than I was used to.

Q Well, if you got up and took off your jacket wouldn't you recall it?

A Not necessarily.

Q Are you in the habit of waking up and doing things and then forgetting about them?

A Not major things, not getting up and going someplace or performing some duty, but I have done things at night, minor things that I have been told about later that I didn't have any recollection of.

Q Why wouldn't you have a recollection of them?

A Doctor, I think that you can understand the semi-sleep state. I have even have occasion to answer a phone and not know exactly what I had said until, for a few minutes, or possibly a minute, until I came to the realization I was talking on the phone and I had to have the person on the other end of the line repeat what had been said.

Q Did the phone ring that night?

A Not that I know of.

Q Did you talk to anybody that night, or morning?

A You mean other than the people that I have --

Q On the telephone.

A I talked to Mr. Houk on the telephone.

Q Before you called Mr. Houk?

A No.

Q You have no recollection of talking to anyone?

A No.

Q Before you called Mr. Houk?

A (Witness shakes head indicating no.)

✓Q What are some of the minor things other than this telephone conversation that you related and the taking off of the coat that you don't recall, what are some of the other things?

A You mean through my life --

Q Yes.

A Things that have occurred?

Q Yes, during your life, something that your mind has become negative on.

A Well, I wouldn't say that my mind has become negative on these things. It is merely lack of consciousness in regard to depth of sleep. I have been told that on occasions when the phone would ring I would pick up the alarm clock and try to turn off the alarm. I have on occasion awakened in the morning and not had my upper garment on, and not recall having taken it off. I can recall having awakened and find that I have drawn covers over me in the morning and not recall having done so during the night, and recall the night before that I had

gone to bed with no covers.

Q Are these things that someone has reminded you about, or do you imagine these things or what?

A Well, as I believe I have indicated, some of them are things that I have been told about that I really didn't know, but I had been told.

Q What specifically are the things that you have been told about that you didn't recall before you were told about them?

A The incident in regard to the alarm clock is something my wife had told me about.

Q Now, where was the alarm clock situated?

A This is an event, Doctor, that occurred months and months ago and something that she --

Q Well, with reference to the telephone, where was the alarm clock located?

A When, recently?

Q At this particular time when you said that you reached for the alarm clock instead of the telephone, where was the telephone located and where was the alarm clock located?

A When this particular event occurred?

Q Yes, sir.

A I can't say specifically. I don't even know where it happened. I don't even remember where this happened.

I think it was in our present home when we were in another bedroom, in our regular bedroom.

Q Have you on occasions imagined that certain events had occurred and later find out that it was merely your imagination?

A No.

Q Are there any other occasions of things that you did not remember and then later on you had found out they actually occurred?

A There may be but I can't remember specifically. I can remember during my heavy work at the hospital, at the County Hospital, during periods where I had lost a great deal of sleep, having a very hazy recollection of being aroused by my roommate and told to go to the phone, and he used to be quite perturbed with me because I often didn't hear the phone and he would have to arouse me and get me up to the phone which was on the wall.

Q Now, let me ask you, if as a result of your statements here that you would do certain things, would not be able to recall them, and later on you were told about them and you found out that they were true, then you stated further that you did not imagine things and later found out that they were imaginations; now, if your subconscious mind worked one way, why wouldn't it work the other way?

A I don't understand your question, Doctor.

Q Well, you have told me two things. Now, why wouldn't they work in the reverse?

A You mean if during a state of semi-sleep things might occur that I had no recollection of?

Q Yes.

A Why would I not have feelings that other things had happened that had not happened?

Q That's right.

A Well, I don't believe that that is necessarily a logical reasoning, that just because during periods of sleep an individual may perform some minor thing such as we have discussed, I don't believe that it is logical to expect an individual to think that he has done things that he hasn't done. I have had rarely dreams that of course have been --

Q You have had dreams?

A Rarely.

Q Rarely. What type of dreams, happy dreams or dreams that were frightening?

A I can't remember of having any dreams up until this incident.

Q Did you ever have nightmares?

A No.

Q Never had a nightmare, no one ever told you you had

269

He leaves  
at  
lamp.





nightmares?

A No.

Q Did you describe the bedroom in which you and your wife slept?

A You say did I?

Q No, will you, please?

A It is a room at the northwest extent of the house. It has two windows on the north, one window on the west, and a closet on the east wall. The door is on the south into a main hall toward the eastern end of the room.

Q What about the furniture?

A There was a dresser on the west wall, twin beds which belonged to her grandmother, I believe, a little stool, the telephone, and I believe an alarm clock. I think there was some sort of a little chair over on the northeast corner.

Q What about the curtains?

A For a long time there were no curtains in that room after we moved in. She placed some type of curtains there, I believe they were white. I can't describe them specifically.

Q What about carpeting?

A There is a carpet in the room.

Q How far away from the wall, the west wall, is the first twin bed?

A Well, we have attempted to -- do you want me to say in feet, I can't say specifically in feet.

Q No. Is it the width of the door that leads out into the hallway?

A The west wall is not close to the door. The door is on the eastern portion of the room. The west wall is the wall on which the dresser is on, and then the twin bed is next to it near the dresser, which is the one that I slept in.

Q The one that your wife slept in is the one that is on the east side of the room?

A The eastern portion.

Q The eastern portion of the room. Is it close to the door jamb that goes, leads out into the hall?

A Fairly close.

Q Just room enough to walk in, is that right, and open the door?

A Well, that is more than just room enough to walk in.

Q If you were standing in the hall could you see the bed, that is, looking through the doorway?

A I believe so, depending on exactly where you were standing.

Q Where would you have to be standing at the doorway or in the hall at the doorway to see what was in the bed?

A Well, Doctor, I never stood in that hall attempting

to evaluate just what angle it would be necessary to see what in the bed. However, in order to see the head of the bed it would probably be necessary to be somewhat in the eastern portion of the doorway of the hall.

Q Were you ever in an accident?

A Yes.

Q What kind of an accident?

A I had been to the hospital one Sunday, and I was returning to my home and I saw the ambulance and stopped, a youngster had been struck by a car. His condition was questionable. I checked him and put him, helped them put him in the ambulance and they said that they were going to take him to the nearest hospital which was Bay View. Realizing that I would be called on this, responsible for this problem, I got in my car and followed the ambulance. As we neared the hospital, we were slowing, the ambulance and I both were slowing for the driveway, and there was a group of cars going, that had been going in each direction, and as soon as the ambulance passed, the cars, one car from each direction pulled directly out into the lane of traffic directly in front of me. I was unable to stop. My right front fender struck the left hind fender of the car going in the direction that I was going, and in applying the brakes my car spun, and the back end, the left hind fender and bumper of my car struck

the oncoming car in its front, on its front. This seemingly, I can't tell you how, but seemingly due to this impact the car was sprung, the door opened. I don't know just how it happened but the next thing I knew I was sliding down the highway as though I were sliding in a baseball game, just right on sort of on my side and back, and my car was going on down the highway.

Q What injuries did you sustain?

A Well, I felt very numb and sore at the base of my spine, and I stood up immediately trying to be sure that I could use my leg, knowing, thinking in my mind that this type of injury would very definitely possibly injure or affect the use of my legs. I, with difficulty, went on in to the hospital and checked the little boy. I assured the parents, and so forth, that he was doing all right and ordered X-rays. X-rays were ordered on me and they found that I had a fractured sacrum.

Q When was this?

A I can't give you the specific date but it was sometime during the first year I was here.

Q That is 1951?

A Well, I believe it was in 1951. It may have, I believe it was in the fall of 1951.

Q The fall of 1951. Were you hospitalized?

A No, I wasn't.

Q You got up and continued about your work?

A Yes.

Q Did you ever have any after effects from it, from this accident?

A I had a back pain which has been variable, but I don't believe it is specifically associated with this accident necessarily.

Q Did it interfere with your athletic activities?

A It did for a while, very definitely.

Q For how long a time?

A Oh, about three months probably.

Q The spring of '52, then, there weren't any particular complaints, it happened in the fall of '51 you say?

A That's right. There weren't any particular complaints except that I have had to watch my back in lifting. However, I didn't necessarily associate it with the accident but I felt that the accident certainly hadn't done my back any good, and I had to be careful in lifting outboard motors and that sort of thing.

Q Do you ice skate?

A Not necessarily.

Q Did you ice skate in the winter of '51?

A Not that I recall.

Q How long have you been skiing, water skiing?

A I think the first time we did any water skiing was

during the summer of 1952.

Q Would you call yourself adept at water skiing?

A That depends on who is evaluating. If you are going to compare me with people who really know how to ski, I wouldn't say so. But possibly the average person in this area that just does it for the fun of it, I could probably keep up with them.

Q Are you a good swimmer?

A Oh, fairly good.

Q Can you swim a couple of hundred yards out into the lake?

A I don't know if I could now. I certainly have been able to.

Q Do you bowl?

A Not regularly. However, I have bowled with groups in social gatherings.

Q In swimming and skiing and bowling you have to bring the muscles of your back into play, is that right?

A Yes.

Q And since the accident you have been able to do that?

A Yes.

Q Did you have any other accidents?

A Automobile accidents?

Q Any kind, automobile, boat, or any other type of accident?

A Well, I have taken some nasty spills from the water skis. In October when I was in Los Angeles I was driving up the Coast Highway and I struck a deer, the car struck a deer.

Q Did you injure yourself?

A No, fortunately not.

Q Have you ever had during your lifetime any contagious or infectious disease, measles, mumps, chicken pox, diptheria, smallpox, and so on?

A Yes.

Q Which one?

A Well, I had the measles.

Q How old were you?

A I couldn't say.

Q Approximately? Childhood?

A Childhood.

Q All right, what others?

A I don't believe that I had, I am quite sure I hadn't had mumps or whooping cough or scarlet fever. I visited a friend in Virginia while in high school and he, his grandparents were in Virginia, that is where we visited, and we spent some time at a little cottage or cabin near a river or a lake, and I received a number of mosquito bites.

Q Have you at any time in your life had a long and

protracted fever?

A I am leading up to something that I thought you were interested in.

Q Okay, go ahead, I am sorry.

A On returning I developed a period of weakness, chills, and fever, which lasted for several weeks, and I believe that blood studies were taken then with the thought of possible malaria, and I took quinine for a while, and I cleared up, my symptoms cleared, and I was in bed for a couple of weeks, following walking around with a continuous headache, chills and fever; after taking quinine I seemed to respond and I had to stay out of football for a while because of this.

Q This occurred while you were in high school?

A Yes.

Q You subsequently played football then in high school?

A Yes.

Q Was the diagnosis of malaria made?

A I don't believe that it was proven.

Q Did you ever have infectious mononucleosis?

A No.

Q Do you know what infectious mononucleosis is?

A Oh, yes. Not that I know of. I think possibly there are ones of us who have had, as you know, certain things that we don't know about.



Q Did you ever have any symptoms that would relate to infectious mononucleosis?

A Well, I as a youngster at times had periods of anti-  
opathy, but nothing that was too prolonged or lasted.

Q Since you have had these conditions you have been  
married and have fathered a child, is that correct?

A That is right.

Q You say you have had a boat accident?

A I didn't say I had a boat accident.

Q Did you have a boat accident? You said no?

A No. I have had some nasty falls from the water skis,  
but nothing that I considered acute.

Q Did you have any injuries as a result of those falls?

A No.

Q Have you ever had any electro-encephalogram?

A No.

Q Do you have an account at the May Company?

A Not that I know of.

Q Did you ever make any purchases at the May Company?

A Not recently.

Q When did you make your last purchase at the May  
Company?

A Well, that I couldn't say. It would certainly be  
over a year ago, if that. I can't recall being in the  
May Company for years.

Q Did you ever buy a hunting knife at the May Company?

A No.

Q Did you buy anything there within the last two and a half months?

A No, I did not.

Q Did you buy anything there within the last month?

A No.

Q Have you acquired a hunting knife from anyone?

A In the last --

Q In the last year?

A No.

Q In the last two and a half months?

A No.

Q Or the last month?

A The only hunting knife that I can recall having around at all is one that belonged to my oldest brother, he had at camp, it is years old, and the last I recall it was in some of my things.

Q Were any hunting knives or knife delivered to you?

A Not that I know of.

Q Have any been delivered to you in the last three months?

A Not that I know of.

Q Would your wife make a purchase of a hunting knife?

A I don't believe so unless she was obtaining something

for my youngster to use at camp.

Q Would an 8-inch hunting knife be something for a youngster to use at camp?

A Certainly not. She obtained some paint, some leather paint which was to be used for some of the leather in one of the cars, and she did a lot of shopping downtown but I don't believe she ever went to the May Company. I don't believe that we had an account there.

Q Did you ever make any purchases at the May Company?

A No, I didn't.

Q Were you ever along with anyone who made purchases at the May Company?

A Not that I can recall.

Q Were you with anyone who made a purchase of hunting knives or knife at the May Company?

A Not that I know of, I am quite sure.

Q You have several shotguns in your home. Where were they purchased?

A One shotgun is a double-barrel shotgun, Dr. Waters, who was a friend my father had --

Q Do you know his first name, Dr. Waters?

A Dr. Eugene Waters. He is dead. He evidently told his family that he wanted me to have the gun when he passed on, and it was given to me. The other gun was an over-under Savage 410 shotgun with a 22 barrel on the top,

and I bought this for my life because she --

Q Where did you buy that?

A At Sears & Roebuck. She --

Q West side store or east side store, which one?

A I can't say for sure but I believe it was the east side store.

Q On Carnegie Avenue?

A I believe so, but I can't, I can't be positive on that.

Q How long ago was that?

A Oh, that was over a year ago. I am not sure how long.

Q Did you ever talk to a clerk in the May Company about the purchase or the kinds of shotguns?

A No.

Q Did you talk to a clerk at the May Company and make an examination of a shotgun?

A No. I don't know where this May Company is -- I haven't had any association with the May Company that I know of.

Q Did you have a hunting knife in your home?

A Only the one that I mentioned and I am not even sure where that is.

Q Where was it kept usually?

A It may have been in any one of several places.

Q And where was that?

A It could have been in one of my drawers. It could

have been in with the tools.

Q When did you see it last?

A That I couldn't say.

Q Has it been a year or six months or two months?

A It is like anything else around the home. It is something that I do recall having seen. It could have been a year ago, it could have been six months ago, it could have been two years ago. But I recall seeing it there. For all I know my brother may have seen it and recalled that it was his and asked to take it, I don't really know.

Q How long was this hunting knife?

A How long was the --

Q How long was it, how big was it, what is the size of it?

A Well, the whole knife was probably, you mentioned 8 inches, probably about that long, about 8 inches, 9. It had a fish scaler on the back of it.

Q Now, going back to the incidents that occurred on the morning of July 4th in your own home you said -- well, what did you say, the first thing you realized?

A When?

Q The morning of July 4th in the a.m. of July 4th after you went to sleep on the couch?

A Well, I believe that I mentioned having some vague

recollection of being partially aroused.

Q By who?

A By I believe it was my wife.

Q Then after that?

A After that the next thing I recall, as I told you yesterday, was hearing a loud noise from my wife. I thought that she had said my name or screamed my name, either, I can't say exactly how many times, and I went upstairs.

Q Then what happened?

A I went into the bedroom as rapidly as possible.

Q Was it dark or were there lights on?

A There was a dim light I believe.

Q Where was the light?

A From the evaluation at that particular time, I can't say just where the light was.

Q Well, was it a lamp, was it an overhead light, what kind of light, was it light coming in from the outside?

A All I can tell you, Doctor, is there was a dim light, and from that I can assume where the light must have been, but I can't say from knowing that specific event, I can't say that I noticed the light in one particular place.

Q Where did you assume it was from?

A I assumed that it was from our dressing room.

Q Upstairs, off the hall, is that where you mean?

A Yes.

Q Was it dark downstairs?

A As I recall, yes.

Q Now, on your way as you started going upstairs to step on the landing, there is a light switch in a convenient location, is that right?

A There is a light switch there somewhere.

Q Where is the light switch?

A I believe there is one on the wall going upstairs, and there is one upstairs around the corner --

Q No, I am talking about the one downstairs now, where is that light switch at the landing on the stairs, where is that located?

A I can't tell you just exactly where that is.

Q As you are going upstairs would it be on your right-hand side or your left-hand side?

A Well, it would almost have to be on the right-hand side.

Q Okay. Now, where is it located?

A As I say, I can't tell you exactly where it is located.

Q You lived there for three years approximately. Now, where is the light switch located?

A Doctor, there are a lot of things in my house that I have lived with three years and I can't tell you exactly their location. Somewhere on the wall on the right-hand

side.

Q Isn't it convenient enough to flip it as you step on the landing?

A Yes, it is fairly convenient.

Q You can reach it as you step on the landing, you have to almost brush by it, isn't that so, you can't miss it?

A I wouldn't say you can't miss it.

Q You have lived there for three years and you would know where it is, you have turned it on before, haven't you?

A Certainly.

Q Why didn't you turn it on this morning?

A I can't tell you why I didn't turn it on except that I was in a hurry to get up.

Q Or did you turn it on?

A I don't believe that I did.

Q Was there a light downstairs?

A No.

Q Does your wife usually leave or in the habit of or did she ever leave the light on in the bedroom?

A No, she usually left the light on in this little room that we used as a dressing room.

Q This is a light, the switch that controls the light in the hallway in the ceiling is a three-way switch, is that correct, you can turn it on upstairs and you can turn it on downstairs, the same light?



A That would be a two-way switch.

Q All right, a two-way switch. You can turn it on upstairs and you can turn it on downstairs?

A Yes.

Q How convenient is it at the upstairs?

A Well, it is around the corner to the east.

Q Just around the corner from the wall as you step on the landing?

A As you step into the hall.

Q Step into the hall. Is that on the north wall or the south wall of the hall?

A It is on the south wall.

Q All right. Now, you are upstairs on the landing upstairs. Now, what happened?

A Doctor, it wasn't a matter of being upstairs on the landing. There was no specific stair step progress to this thing. It occurred so rapidly that I can't break it down that way. I don't believe that I can explain it any better than I did to you yesterday, and than I have to the others before. It happened so rapidly.

Q Now, you got hit, where did you get hit?

A It seemed that I grappled with someone, and I seemingly was hit from behind, but I can't say for sure.

Q Yesterday you said you were clobbered. Now, what do you mean by clobbered?

286

Doesn't  
know  
where  
he was  
hit.

A I don't recall having said clobbered.

Q That is the word you used.

A If I did, I don't recall saying that, but if I did I meant hit.

Q- Now, where were you hit?

A Doctor, I don't remember specifically.

Q Were you hit on the top of the head?

A I can't give you specific instances because I don't really know.

Q Well, was it with a club or with the hand?

A That I don't know.

Q What did the impact feel like?

A I don't know how to explain that, other than the fact that it was a flurry of something that rendered me out of order.

Q What part of your person did this impact come in contact with?

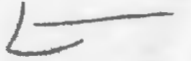
A Doctor, I just can't be objective and specific on facts that I don't remember clearly.

Q Well, if you can't be objective and specific, then how do you know you were hit?

A Well, I know I was hit about as much as during a football game or something of that sort, an individual is struck and he knows that he has been struck but he can't always give the specific conditions and surroundings at

287

Remembers  
multiple  
blows  
now



START →

that time.

Q If it is impossible for you to realize where this impact occurred and how it occurred, then how can you assume that you were hit?

A How can I assume that I was hit?

Q Yes.

A Because I recall encountering something, or someone, and I was rendered unconscious.

Q You recall encountering someone but you cannot recall of having received any blows, is that what you want me to understand?

A I recall hazily a number of blows. As I mentioned, encountered, I can't say that I rendered any blows, I have the feeling that I did and that I received blows, I can't say specifically with what or how. It seems as though I was struck down from behind, that is the feeling that I have.

Q Where would the person that would strike you down from behind, where would they have to be if you weren't on the landing?

A I can't tell you that. Probably behind me.

Q How, would he come up behind you?

A I don't know.

Q I think you gave me to understand that you saw some form ahead of you?

A That's right. I thought that I did.

Q Then you gave me to understand now that you were not on the landing. Now you want me to think that there was somebody behind you that clobbered you up and hit you?

A Doctor, you are saying these things. I am not.

Q No, I am asking you, I am trying to get you straightened out. I am asking you what you want me to believe.

A You are telling me what I have said, which is not correct.

Q Well, what did you say, what did you say?

A In regard to what?

Q In regard to what we are now talking about, the injury that you said you sustained.

A I saw a form with a light top of some type. At the same time I encountered someone within the general area in front of me.

Q Where were you when you saw this form with the light top?

A I was proceeding into the bedroom.

Q You were already in the hallway then upstairs, is that what you want me to assume?

A Doctor, I can't say whether I was in the hallway or in the room. I think that if you would question, or if you were questioned in regard to where you were at that

particular time or when you entered the house, where you had gone, exactly where you saw certain things, I think that you might find it difficult to be this specific. I was under the influence --

Q I want you to be as specific as you can.

A I have tried to be.

Q And I want to get from you what you actually can remember.

A I have given you--

Q And what you actually saw.

A I have given the officers, I have given everyone I could my exact recollection.

Q Where were you when you saw this form?

A As I told you before, I was proceeding into the bedroom, either in the bedroom or --

Q When you say proceeding, would you be a little more specific, where were you, were you already on the landing, that is what I am trying to find out? I think that is where we misunderstand each other.

A Doctor, the difference between being on the landing and in the bedroom is probably one step. To make a differentiation of one second as to whether I saw the form before I entered the bedroom, or as I entered the bedroom, or when I was in the bedroom, is practically an impossibility. I was proceeding as rapidly as I could.

Q Well, was this form in the bedroom or on the landing?

A The form was in the bedroom.

Q Were you either on the landing or in the bedroom, you yourself, personally, when you saw this form?

A As I just told you, it is difficult to say specifically when I first felt that there was a form there.

Q Did you encounter, you said you encountered someone, did you encounter this form in the bedroom or was it some other person or persons that you encountered, that you struggled with?

A I encountered someone as I recall in my room.

Q In the bedroom?

A Whether there was another person or persons there or not I cannot say for sure.

Q When you say you received these hits or these impacts, was it with the fist or was it with some kind of instrument or weapon?

A I can't be sure, but from my recollection of the events, of evaluating that particular moment, I couldn't say.

Q Well, did you struggle with this form?

A Momentarily, yes.

Q What did you do, did you grasp him, did you strike at him?

A I believe that I struck at him.



Q Now, this space that this occurred in is how wide?

A I can't give you the exact measurement.

Q Approximately? It would have to occur between the wall and the bed, is that right?

A Yes, unless, unless it partially occurred on to or near the bed.

Q How wide is this space?

A I never measured it.

Q Approximately?

A Well, my evaluation of feet seemingly doesn't agree with you. I sensed --

Q Well, was it the width of the door?

A Like down at the beach I said 10 feet below the stairway and then I pointed out a spot and you didn't agree that that was 10 feet.

Q Is the width of the door?

A It is a little wider than the door.

Q How wide is the door?

A I don't know.

Q How wide is the doorway?

A I don't remember.

Q When I say the width of the door I mean the bedroom door.

A I don't know how wide it is, but it is definitely wider than the doorway.

Q If you had your arms outstretched could you reach the wall and the bed at the same time, both arms outstretched?

A Oh, yes.

Q And then did you strike with your fist or did you have something in your hand?

A I had nothing in my hand.

Q Did you feel that the form you encountered sustained any injuries from your striking?

A That I couldn't say.

Q What part of this person did you strike at?

A I struck at everything.

Q How long do you think this event lasted?

A Not very long.

Q Did you see your wife when this encounter was going on?

A No.

Q Did you see anything in this bedroom, anything that was going on?

A I don't think I saw my wife. Beg pardon?

Q Did you see anything in the bedroom when this was going on?

A I can't remember anything other than the light form that I mentioned that I had seen before.

Q You related to me yesterday that you taught the children how to punch the punching bag?

A Yes. I didn't teach them. I merely showed them.

Q You showed them?

A A few things about it.

Q You do know something about boxing?

A Not necessarily. I have learned how to punch the punching bag.

Q Didn't you do some boxing in high school?

A No.

Q At Hanover?

A I boxed once or twice at Hanover with some friends just to try to learn something about it. Not more than twice.

Q You are athletically inclined, I think you told me that before?

A I like athletics.

Q You are a good swimmer, as good as the average skier, water skier, around this neighborhood?

A Probably would be considered so.

Q You have a bar bell that you work out on?

A I don't work out on it because I found that it injured my back when I tried to lift it. So I put it up in the garage and any of the high school boys who wanted to use it were invited to come up.

Q When is the last time you used the bar bell?

A Well, I never did use it regularly because as I say



894



What is  
this  
language  
oatmeal  
bullshit?

it bothered my back. The last time I attempted it must have been two or three months ago.

Q While you were in this struggle, was this the time you were knocked out?

A Which struggle?

Q The struggle you told me about in the bedroom.

A Yes.

Q Is this when you were knocked out?

A (Witness nods indicating yes.)

Q Now, what is the next thing you remember or recall?

A Well, as I believe I related to you yesterday, the next thing that I can recall is coming to semi-sensibility on the floor of the bedroom. Do you want me to proceed?

Q Yes, please.

A I thought that I recognized my wallet, and in picking it up and putting it in my pocket I had the feeling I came to the realization that I had been injured, and that my wife might have been injured.

Q Were you in a sitting position or a prone position at this particular time?

A The first thing that I remember was coming to a sitting position.

Q What was the condition of the lights in the house at that time?

A Dim. Dim light.

Q Was the bedroom light on in the bedroom which you were in when you found yourself?

A No, no.

Q Was any light other than the one you mentioned on?

A Not that I know of.

Q In the dressing room, that is where you thought the light was?

A I didn't think where the light was, but in thinking back now, having a clearer mind now.

Q That is where you assume the light was, is that correct?

A Now I assume that that is probably where the light was.

Q Were there any lights on downstairs?

A Not that I know of.

Q Now, what was the condition of the lights on the outside at this time, was it still dark or was it dawn or daybreak or daylight?

A I don't have any recollection of what the light was outside.

Q Now, when you began to realize, what injuries did you feel at that particular time, when you woke up and saw the purse with the badge, what injuries did you feel at that time?

A I can't say that I felt any specific injuries at

296



Pain in  
his body  
from an  
unknown  
source.

that time, except general haziness and difficulty in collecting my thoughts, general pain and discomfort.

Q Where was this general pain?

A I can't give you anything specific.

Q Did your neck hurt you at that time?

A I can't say that I recall that it did.

Q Did your shoulders hurt you?

A I don't remember of any specific pain.

Q Did you have any chest pain, either in front or back?

A I may have, but I don't have any recollection.

Q I am just enumerating these things and asking. Did you have any blood about you?

A I have no idea. I may have.

Q Was there any injury to your head that you recall?

A- As I say, I don't recall specific injury.

Q Now, what happened then?

A Well, as I got to my feet I recognized that something had happened.

Q What do you mean you recognized something had happened, what do you mean by that?

A Well, if somebody came into your home and knocked you out and you start to wake up, you begin, in awakening it takes a while to adjust to reality. In fact, I didn't know that there was, I couldn't quite orient myself.

Q When you woke up at this time did you have a T-shirt on?



A I don't know. I don't recall any specific evaluation.

Q Now, something happened, something happened to yourself or something happened to the house or other people in the house, what did you mean by you thought something happened, you assumed, you felt something had happened, are you speaking now just of yourself alone?

A No, I was fearful for the entire household.

Q Proceed, what did you do?

A I got up and I looked at my wife, and I am not sure just exactly what I did. I think I took her pulse and felt that she was --

Q What did you observe, you looked at your wife and what did you see?

A I saw that she had been badly injured.

Q Where was she badly injured?

A About the head.

Q Describe it.

A I can't.

Q You say you saw she was badly injured about the head, something that you saw must have made you come to the conclusion that she was badly injured about the head. Now, what was that something?

A Doctor, I can't give you any specific evaluation. I was in a dazed state.

Q Just give me, tell me what you recall.

098

His  
hands  
are on her  
neck face  
& wrist.  
near time of  
death.  
(i.e. his hand(s))

A That's all I recall.

Q What did you see about her head that made you think she was injured about her head?

A Doctor, I am not even sure what I saw.

Q Well, tell me what you thought you saw.

A I don't know. I saw her and felt that she had been badly injured.

Q Where did you feel?

A I may have felt her neck, her face, her wrist.

Q What did you do?

A I am not sure.

Q How did you feel at this time?

A I was shaken, relatively disoriented. I can't recall.

Q You saw something, something that startled you, so there must be something that you can remember that you can tell me that you did see, something that made you realize that she was injured, and you said about the head?

A I can't say specifically, Doctor. I don't remember.

Q What else did you see about her?

A As I tried to explain to you before, it is something that I can't be specific about. If I could be more specific I certainly would be with you.

Q I want you to be specific in so far as you are able.

A I have been. In a state of this sort, as you doubt-

lessly recognize, it is impossible to be specific in detail.

Q I am only asking you questions on what you relate to me. Now, did you see how she was attired at that time?

A No.

Q Did you notice anything about the bed clothes?

A Not at that time.

Q When did you notice it?

A About the bed clothes?

Q Yes.

A When I returned upstairs.

Q When was this?

A As I told you yesterday, that was afster I had come to.

Q Did you see the same things when you returned upstairs as you had seen before you went downstairs?

A I don't know.

Q Do you know when you went downstairs?

A You mean what time I went downstairs?

Q In relation to events.

A Vaguely.

Q Before you went down did you notice any blood anyplace?  
As a physician you are well acquainted with blood.

A I probably noticed blood in looking at her.

Q When?

A The first time.

Q Where did you see this blood?

← Thinks  
he  
"Took  
pulse"

A As I say, it is a vague non-specific thing.

Q Was it on her face, on her body, on her hands, was it on her clothes, was it on the bed clothes?

A My recollection is mainly in relation to her face and head.

Q You are talking specifically about her face and head?

A That's the only recollection that I have. That's the only feeling that I have.

Q Did you feel her pulse at that time?

A I think that I did.

Q Which hand do you usually feel the pulse on?

A I might take a pulse with either hand.

Q No, I mean the pulse of the patient.

A If I am in question I usually feel the neck.

Q No, when you take a hand to feel a pulse, which one do you usually reach for?

A It doesn't make much difference.

Q Which one did you reach for here?

A I have no idea.

Q Did you feel the pulse in the neck?

A I may have.

Q You may have. Did you?

A I don't know.

Q Now, are you guessing or did you actually feel the pulse, or what happened?

A I am trying, Doctor, to give you just as much as I can in regard to my knowledge of this, of these events, and that is a very vague recollection.

Q Did you notice anything on the floor?

A No.

Q You noticed your billfold.

A That was after I awoke.

Q When you felt her pulse did you find her pulse, did you find any pulsation whatsoever?

A I can't give you any specific reaction. All I can tell you is that I had the feeling that she was gone.

Q That is when you first woke up after this encounter you had the feeling that she was gone, is that right?

A After I had gotten up and looked at her.

Q After you stood up and looked at her, not while you were still sitting, but after you were standing on your feet, is that the idea?

A Yes.

---

302

Doctor Sam  
has "a feeling"  
that his  
wife is gone.  
He doesn't  
know why.



Q When you stood up you felt then that she was gone -- that is when you felt the pulse?

A I had that feeling.

Q Now what happened after that?

A I believe that I rushed into my son's room.

Q What did you base the feeling on, that your wife was gone?

A I can 't say. I was dazed. I had that feeling. That is all I can tell you.

Q Is there anything that you can think of which made you come to that conclusion?

A In attempting to remember the specific incident, no, nothing that I can put my finger on definitely so that I evaluate. I felt that was it.

Q You say you went into Chip's room?

A Yes.

Q Then what did you in Chip's room?

A I am not sure. In some way I believe that I evaluated he was all right.

Q How did you evaluate that?

A I don't know.

Q Did you look at him, did you touch him?

A I don't know. I could have.

Q Did you watch him breathe?

A I don't know.

Q Was there a light on?

A- No.

Q- Could you see him in this condition at this time in the morning?

A I don't remember specifically how I evaluated this. I just had the feeling that he was all right. I evaluated that.

Q Then what did you do next?

A Well at that time as I was coming out of his room I thought that I heard a noise downstairs, as I told you yesterday.

Q Then what did you do?

A I proceeded downstairs as rapidly as I could.

Q Then what happened?

A I ran through the front room or went to the front room as fast as I could. I can't tell you how fast that was now.

Q Did you put a light on?

A I don't believe so.

Q What was the condition of darkness or light at that time?

A That I can't tell you specifically.

Q Was it still dark outside?

A Relatively.

Q Was it beginning to be light?

A That I cannot say for sure but when I saw this form<sup>396</sup> there must have been some early light of daybreak.

Q Which form are you talking about?

A The form that I told you yesterday.

Q No, what I mean is where is it now, the form that you are referring to, was this upstairs or downstairs or where that you are talking about?

A Downstairs.

Q Can you describe that form?

A I can't describe the form. As I saw it, between the front door on the porch and the screen door on the porch or slightly beyond that. Other than that it was a dark form.

Q Was it a man or a woman?

A I have no idea.

Q This form when you saw it where was it in the living room, or on the porch, where was it?

A As I said before it was either between the front door of the house and the porch door or slightly beyond the porch door.

Q That would be outside then, outside of the house?

A Yes.

Q What did you hear? You said you heard something.  
What did you hear?

A Downstairs?



305

Does n't know  
the noise  
he heard  
downstairs

Q Yes.

A I can't say what I heard. A noise of some type.

Q What sort of a noise would you think it was?

A I can't say. I don't know.

Q Was it somebody walking around, was it somebody handling something or what?

A It was a louder noise I think than somebody walking around.

Q Was someone talking?

A Not that I can say specifically.

Q Was it a human noise?

A A human noise?

Q Yes. In other words, a noise made by a human?

A I gathered. I thought it was.

Q Was it a noise of a human?

A I don't believe that it was quite a voice --

Q Or was it KoKo at this time?

A I have no idea.

Q When you retire usually what happens to KoKo?

A She usually is put to bed in the kitchen.

Q Where was she that night?

A I am not sure.

Q When you say usually put in the kitchen was she generally tied with a rope or something?

A No. She is just put in the kitchen.

Q She's put in the kitchen and the door to the landing is closed and the step landing, the door that leads out in the hall is closed?

A Usually.

Q The dog would stay in the kitchen, is that the idea?

A Usually.

Q Can't the dog get out on its own?

A Rarely, but he usually will stay.

Q Is the dog left outside on occasion?

A Very rarely. Do you mean that night? At night?

Q Yes.

A Almost never.

Q What is your first recollection of the dog?

A I don't have any recollection of the dog.

Q No recollection of the dog. Was she there that night?

A I imagine she was.

Q When you went to lay down on the couch do you know whether the dog was there at that time?

A I can't recall for sure.

Q When do you last recall the dog, the last knowledge of the dog?

A I can't tell you that. It must have been earlier in the day or even before.

Q Can you say for a certainty that the dog was in the

house that night around before 10 o'clock?

A Well, in order to say for certain I would have to recall a specific instance of seeing the dog and I can't recall.

Q You have no recollection of the dog?

A Not specifically.

Q When is your last recollection of the dog?

A As I told you I don't recall.

Q Is the dog something the same as a piece of furniture you pay no attention to it, it could be there and you not notice it?

A That is very likely, very possible. Sometimes I pay attention to it and other times I pay no attention to it.

Q Whose dog is it, your personal dog, or your son's or was it your wife's?

A We never went into whose dog it was.

Q Just a member of the family?

A That's right.

Q Did you order the dog be examined by a veterinary?

A No.

Q Do you know whether the dog was examined by a veterinary?

A I think -- Dr. Steve indicated to me that some of the neighbors said that the dog displayed evidence of having been injured.

Q Where is the dog now?

A The dog last time I saw her was at my folks' home.

Q After Dr. Steve indicated what happened about the dog, what did he tell you about the dog?

A He said that he asked the veterinary to check it over.

Q When was that?

A I don't remember.

Q How long ago?

A I don't remember. Sometime when I was in the hospital.

Q Since the death of your wife?

A Yes.

Q The dog was injured in an automobile accident, is that right?

A Yes.

Q How long ago was that?

A Oh, a couple of years ago or better probably.

Q Two years ago?

A I can't say exactly when it was.

Q The dog had a fractured hip?

A Fractured femur.

Q Fractured femur, which one?

A I don't remember which one.

Q You operated and immobilized the fractured femur of the dog?

A Yes.



Q And you put a metal pin in?

A Yes.

Q What kind?

A Used a heavy Kirschner wire.

Q How long did you leave that on?

A I don't remember specifically but it was probably eight weeks.

Q How long since it has been removed?

A I don't know, I don't remember to tell you the truth. It has been probably two years. I can't say specifically.

Q Did the dog have any complication as a result of the injury and operation?

A No, no complications. She developed a discharge around the pin, which we more or less expected.

Q In the last six months how has the dog been?

A Pretty good.

Q Did it limp? Have any difficulty walking?

A No.

Q You heard this person or individual downstairs and you saw this form. Now what happened?

A Then I went after the individual.

Q What was the description? What was this form that you saw? What did it look like?

A Well again as I told you, as he, I thought it was a he, I say he because I gather it was a he, went down the

steps from the landing at the beach house on the beach.

Q Was he walking or running?

A I felt that he was running.

Q Was he running fast?

A I was not timing him. I was trying to go after him.

Q What appeared to be fast?

A Well I am not sure I was able to go at my usual pace.

Q Were you moving fast?

A I can't say that I was moving tremendously fast.

I don't believe that I was in shape to move as fast as I might.

Q Why would you say that this person was running, what did you see, what did you base it on that this person was running?

A Well, the individual was moving fairly rapidly from what I could tell.

Q In what direction?

A Down the steps to the beach.

Q Was this form dressed? What kind of an attire did it have on?

A I tried to answer that a couple of times and you have interrupted me.

Q Well, I am sorry.

A As we got down -- as I approached the beach I felt that this form was, again and again I wish to say it may

be because I was readily easily knocked down by him, but I felt that he was fairly large and had on dark clothing, from the back.

Q Did he have trousers on?

A I cannot specifically say what he had on.

Q Did he have a coat on?

A I don't know what he had on. He could have had on most anything.

Q Did he have a hat on?

A I cannot say specifically. Not that I know of.

Q Did he have shoes on?

A I don't know.

Q Did he have a jacket or anything on?

A I don't know.

Q Did he have anything in his hands?

A I can't say.

Q What is the condition of the light at this time? Was it light or dark?

A It was not completely pitch black. From somewhere there was some light.

Q Could you see the stairs leading down to the lake?

A Barely.

Q Could you see the white guard rails leading alongside the stairs?

A I can't say specifically that I did see them.

Q Could you see him at the bath house?

A I possibly could but I certainly won't say that I did, that I recall seeing him.

Q Could you see the lake?

A Well I certainly don't recall looking at the lake.

Q How far were you from this form when you saw it, in distance? Your own conclusion.

A Well, I was in the front room of the house and the form was toward into the beach.

Q Did you catch up with the form?

A When I got down around to the beach I either caught up with him or he waited until I caught up with him.

Q How fast did you go down these steps?

A I don't know.

Q Did you walk or did you run or hurry?

A I hurried as fast as I could, but I am not sure how capable I was at that time.

Q Did you run to the top of the stairs or did you walk to the top of the stairs?

A I think I went to the top of the stairs as rapidly as I could under the circumstances.

Q Did you run or walk?

A I can't give you a specific recollection. I proceeded as rapidly as I could.

Q How far at this time was the form ahead of you?

A I don't know.

Q Could you continue to see the form continuously from the first time that you saw him?

A No.

Q Did you lose sight of him?

A Yes.

Q Where did you lose sight of him?

A I can't tell you that specifically.

Q Well, before you got out on the lawn or after you got out on the lawn?

A Well, I would say as I got out on the lawn.

Q Did you see him heading for the steps that go to the lake?

A That's right.

Q How far ahead of you was this form when you got to the top of the steps?

A That I don't know.

Q These steps are of what nature?

A They are wooden steps.

Q Do you know how many there are?

A- No, I don't. There are quite a few.

Q Do they wind?

A They don't wind. They go towards straight down to the landing.

Q Are they in one continuous direction?

A Pretty much so.

Q Doesn't the angle of the steps change from time to time, you start out at the top until you get to the bottom?

A The angle of the steps?

Q Of the stairway.

A Of the stairway is pretty much from one angle down to the landing on the beach house and then it angles up to the beach.

Q Isn't it a fact that when you first start from the embankment you have a certain number of steps that go at a certain angle and then you have another set of steps that go at another angle and then you have another set of steps that go at another angle until you get to the landing of the beach house; isn't that right?

A My recollection is that the steps are pretty much at one angle until you reach the beach house. There are two or three landings between the top of the hill and the beach house but the angle from -- the angle may vary a little but I don't believe it is very great.

Q Is the stairway that goes to the sand to the beach at complete right angles with the stairway that leads down from the embankment?

A I cannot give you an angle, Doctor. I never evaluated it on that basis.

Q But you have to negotiate turns in order to get down

from the top to the bottom?

A You have to negotiate one turn.

Q That is the stairway along the beach house, is that what you are talking about?

A The landing around the beach house.

Q Did you see the form on any of the stairways going down?

A I can't say that.

Q You did not catch up with it?

A Not on the way down.

Q Did you say him on any landings?

A I cannot say specifically that I did.

Q Where is the first time that you saw him?

A Again?

Q Yes.

A It was on my way down from the landing down to the beach.

Q Which landing are you talking about now?

A The landing of the beach house.

Q And where was he at that time?

A I cannot say specifically.

Q Was he on the beach?

A I am not sure.

Q Or was he at the foot of the stairway?

A Doctor, under such circumstances I just couldn't be

sure exactly where it was.

Q What was the condition of the light at that time?

A I told you the light was not pitch black, it was --

Q At that time could you see the form, see how it was dressed?

A That is the time as I progressed down the stairway, that is the time that I felt that I could see the form.

Q Did the form that you saw have trousers on at that time?

A I am not sure what he had on.

Q Did he have a coat on?

A I don't know what he had on.

Q Did he have a hat on?

A As I told you I couldn't say.

Q Was this a white person or a colored person?

A I can't say for sure. I somehow after encountering him have the feeling that it was not a colored person but that is merely a feeling. It is not -- it is not a fact that I can say specifically.

Q Did the color of the hair register?

A I can't say that I could see the color of the hair.

Q Did he have any hair?

A I felt that he had a large head and it seemed to me like there was, as I mentioned earlier, sort of a bushy appearance.



Q You say you encountered him on the beach?

A Yes.

Q Did he grab you or did you grab him?

A Well, I felt as though I had grabbed him.

Q In other words you caught up to him?

A That was my feeling but it seemed as though I had caught up with a steam roller, some immovable object that just turned and made very short work of me.

Q When you grabbed him, what kind of clothes did he have, what did you feel?

A I can't say that I felt anything specific.

Q Did you feel any clothes?

A I can't say for sure.

Q You don't know whether he was naked or not. Did he have any clothes on?

A I felt that I grasped something solid.

Q Was it a human being?

A I felt that it was.

Q Did you have the T-shirt on at this time?

A I don't have any recollection of the T-shirt.

Q Did you have a corduroy jacket on at this time?

A I don't know.

Q After you grappled with him or he grappled with you what happened?

A I became -- I was -- I had a twisting choking sensation

and that's about all I remember.

Q Where was the twisting choking sensation other than the choking sensation, where was the other sensation?

A Other than what I told you I don't believe I can give you any other specific information.

Q What did you realize next?

A I realized being, I had a feeling of moving back and forth or being moved back and forth by water. I felt, I think that I may have coughed and choked a time or two. I slowly came to some sort of consciousness, I got to my feet and went up the stairs. The time element --

Q Did you swallow any water?

A I don't know. Very likely I did.

Q When you first came to where was your head and where were your feet?

A My head was toward the south and my feet were into the lake.

Q How high were the waves at that time?

A They waves were -- well, I didn't notice the waves specifically but it seemed as though they were moderately high. They were not very high but it was not extremely calm.

Q Was it daylight then or was it still dark?

A I won't say that it was daylight but it was much lighter. It was definitely light enough so you might

call it daylight but it was not bright day like it is now.

Q Was it daybreak?

A Well, that depends on what you call daybreak.

Q Was it dawn?

A Again, that is a matter of definition. This period before where it was just lighter than dark some people would perhaps call dawn.

Q Could you see and visualize objects?

A At this time?

Q At this time.

A Yes.

Q What distance could you see?

A Well, I could see the pier at Huntington Beach and I could see the piers up the beach.

Q Was your T-shirt on at that time?

A I don't recall. I didn't notice. I gathered that it was not.

Q Were you wet?

A Yes, I was wet.

Q What part of your body was wet?

A I didn't have time to evaluate my every -- every portion of my body.

Q Were your shoes wet?

A My shoes were in the water.

Q Were your trousers wet?

A They were also in the water.

Q These trousers that you had on, what kind of trousers were they, describe them.

A They were summer cord trousers.

Q What color?

A Well, from the events of the evening I don't believe that I could specifically tell you what color, but I know that I had two pair of these trousers, one with blue in them and one with brown and the blue ones are all right so this must have been the brown pair.

Q Were they new or old?

A I had gotten them last summer.

Q Were they in good condition or was there something wrong with them?

A They were in fairly good condition.

Q Well, were they whole?

A Were they what?

Q Whole, w-h-o-l-e.

A Whole?

Q Yes.

A As far as I know, yes.

Q Where did you usually carry your key chain?

A Usually in my right pocket.

Q How is that fastened in?

A Just with a little ring on my, rings on my trousers.

Q On the loop of your trousers?

A Yes.

Q And it led down to your right-hand pocket?

A Yes.

Q Did you have it on when you were in the water?

A I don't know.

Q Did you have your wrist watch on?

A I don't have any idea.

Q When did you take your wrist watch off?

A When did I last take my wrist watch off that I recall?

Q Yes.

A Well, Friday morning when I went to surgery I took it off and put it in my pocket.

Q Did you put it back on again?

A I think I did but I can't recall specifically doing it.

Q Saturday afternoon did you have it on?

A I can't say that I specifically remember of having it on.

Q Mrs. Ahern said she saw it on your wrist. Would you say that that was right?

A If she said that she saw it on my wrist I would say that was probably correct.

Q When you were in the lake on the beach were you face up or face down when you came to?

A I was face down or to the side.

Q Were you lying on your belly or on your side?

A Belly.

Q What?

A On my belly.

Q Was your head on the sand facing the sand?

A Just at the edge of it.

Q What do you mean at the edge?

A The water's edge.

Q Your face I am talking about, your head and face.

A I can't say specifically, exactly.

Q Was there any sand in your hair?

A I don't know.

Q Was there any sand over your face?

A I don't know.

Q Were there any waves going over your body?

A I cannot say specifically what happened.

Q When you realized, was your head wet?

A You mean did I evaluate my head?

Q Yes.

A I did not feel my hair and check it.

Q Were your shoulders wet or dry?

A There again I didn't take time to evaluate my shoulders. However they very likely were wet during the time I was in the water.

Q What was the condition of your trousers at that time?

A At what time?

Q When you woke up. When you were on the beach.

A They were in the water.

Q What's that?

A They were in the water.

Q They were wet you say?

A Yes.

Q What else? Was there anything else wrong with your trousers besides being wet?

A Not that I know of.

Q What kind of shoes did you have on?

A You mean did I evaluate my shoes at that time?

Q Yes, what shoes did you have on?

A I could have had football shoes on and I wouldn't know any different. I remember what shoes I had on earlier in the evening.

Q What kind of shoes did you have on earlier in the evening?

A I had on loafers, loafer shoes, moccasins, the moccasin type with no ties.

Q You realized where you were and then what happened?

A As I have related a number of times I slowly came to my senses and I proceeded up the stairs.

Q Was the form still there at that time?

A No.

324

Felt her  
neck and  
felt her  
head.

+  
Took pulse

Two options.

Blood wet on hands  
when ph is touched  
transferring or  
blood is dry and  
on his hands when  
people arrive.



Q Go ahead.

A Do you want me to go through with what I told you yesterday.

Q What did you do next? I want you to elaborate on it.

A I cannot elaborate on it anymore than I already told you.

Q What did you do next?

A I went up the stairs. The time element or the time that it took I cannot say for sure and as I got up into the house I realized, recognized that something had been, something had happened, that I had been injured and I was fearful for my wife.

Q Then what happened?

A I again cannot say specifically how rapidly or urgently I went up the stairs, but I went up the stairs and went into her bedroom and saw my wife.

Q What did you see? You saw your wife. What did you see then or what did you observe?

A I observed that she had been I thought badly injured.

Q Did you examine her?

A I took her pulse. I felt her neck. I think I felt her head.

Q Was it light at that time?

A As I told you it was fairly light.

Q In the house I am talking about, the light coming

through the window.

A There must have been some. She was uncovered. So I covered her up.

Q Where was she uncovered?

A She was relatively nude.

Q Where was the sheet?

A I don't know. (Witness puts handkerchief to his eyes.)

Q What did you do then?

A I am not sure what I did. I paced, tried to wake up from this horrible dream. I may have gone back in and looked at her again. Finally I realized it was not a dream, but it was seemingly a reality and I went downstairs and tried to think what to do or who to call.

Q Where was your T-shirt at that time?

A I have no idea.

Q How long do you think it was that you paced up and down before you called anybody?

A I don't know.

Q Was it a half an hour or 15 minutes?

A I don't know.

Q Could you tell by the condition of the light outside?

A Doctor, I was in no condition to be evaluating time or anything for that matter.

Q When you touched her neck did you get any blood on

326

May have  
gotten  
~~clothe~~  
blood on  
his hands.

your hands?

A I may have.

Q Did you get any on your clothes?

A I probably did. I don't know.

Q Was the bed wet with blood, the edge of the bed?

A I don't remember.

Q Did you get on the bed?

A I can't remember.

Q Did you lean over the bed?

A Yes.

Q Did your body come in contact with Mrs. Sheppard at that time?

A My hands did.

Q Any other part of your body?

A I don't know.

Q Or with the bed?

A Could have come in contact with the bed. It probably did.

Q Did you wash the blood off of your hands?

A No.

Q Did you wash it off your trousers?

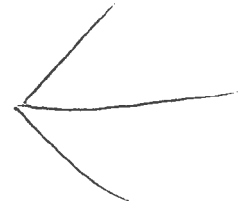
A I did not wash anything off of anything.

Q Where did you go after that?

A Went downstairs.

Q Then you paced up and down and then you tried to

322



Did not  
wash his  
hands  
to clean  
off blood

orient yourself?

A I paced for a period attempting to orient myself.

Q Did you go in the basement?

A I don't believe so.

Q Did you pick up anything bloody?

A When? /

Q When you were in the bedroom?

A I touched my wife.

Q Did you pick up anything?

A No.

Q Did you carry anything out of the room?

A No.

Q You did not wash your trousers after they came in contact with the bed?

A I did not.

Q You did not wash your hands?

A No, not that I recall.

Q What did you do with the T-shirt at that time?

A Doctor, I told you I have no recollection of my T-shirt.

Q What else did you do besides pacing up and down, what did you handle or what did you touch?

A I cannot say for sure but I don't believe I touched anything other than going into my den and use the telephone.

Q What did you do in your den?

A Use the telephone.

Q What did you see before you used the telephone.

(Photographer's flash bulbs went off and the Coroner cautioned the photographers not to use flash bulbs.)

Q What did you see when you went in the den?

A I don't remember anything specifically. I recall something about my bag being overturned.

Q Where did you see this?

A It was somewhere in the hallway.

Q What time was this?

A What time?

Q Yes.

A I don't know what time it was.

Q Did you pick it up?

A No.

Q What did you see in the living room?

A The living and dining room combination I don't recall seeing anything in particular. I didn't look in there.

Q You were walking in the living room and pacing up and down?

A (no answer.)

Q Is that right?

A I don't recall walking or pacing in the living room.

Q Where were you pacing up and down?

A I recall moving between my den and the kitchen.

Q Where was the dog at that time?

A I don't know.

Q Was he in the kitchen?

A I don't know. (in a louder tone of voice)

Q What did you see in the den?

A Just a general mess. I can't remember anything specifically

Q Did you go outside the house at this time?

A Not that I recall.

Q Did you go back upstairs?

A I don't believe so.

Q How many bathrooms are there in your house?

A Three and one in the garage.

Q There is one on the second floor and one off of your den?

A Yes.

Q Where is the third one?

A In the basement.

Q In the basement. Did you go into any of these?

A I don't believe so.

Q Do you recall going into any of these bathrooms, any of them?

A No.

Q Did you go down the basement?

A No.

Q Did you see anything bloody outside of the bedroom?



A No.

Q Did you pick up anything and carry it downstairs?

A No.

Q When did you first see the dog?

A I don't recall seeing the dog.

Q At any time?

A Not during this particular time.

Q When did you first see the dog?

A Several days later when the youngster brought her over to my parents' home.

Q When is the next time you saw your wife after you saw her in the bedroom upstairs?

A That I just related?

Q Yes.

A I did not see her after that.

Q You did not see her except on those two occasions that you mentioned or related, is that right?

A That's right.

Q And when is the next time you saw her?

A I just told you that I have not seen her since that time.

Q Have not seen her since that time?

A Oh, I saw her at the funeral home, at Saxton's Funeral Home, just before the funeral.

Q Who had charge of the arrangement of the preparation

and direction of the funeral?

A I don't know.

Q You say you don't know who had charge?

A Doctor, is that important in this case?

Q Anything is important. Were you asked, or did you direct that a pathologist be called in to view your wife's body and make an examination?

A No.

Q Did anyone advise you to do it?

A I was not -- this was not discussed with me.

Q To your knowledge do you know whether that was done?

A They told me that that was done.

Q Did they inform you as to the name of the pathologist?

A Yes.

Q What was his name?

A I believe Dr. Haas.

Q What is his first name?

A I am not sure of his first name.

Q Where is he from?

A He is from Detroit.

Q Do you know what hospital he is connected with?

A I believe he is connected with the Detroit Osteopathic Hospital.

Q Do you know him personally?

A I have met him.

Q In Cleveland or other places?

A In Cleveland.

Q At the Bay View Hospital?

A I have seen him there.

Q Do you know him professionally or socially?

A Professionally.

Q When you came to on the beach did you go into the lake, did you walk into the lake, into the water?

A No.

Q Did you do anything at all? Did you wash yourself in the lake?

A No.

Q Did you wash your hair in the lake?

A I didn't wash anything in the lake.

Q When you put your first telephone call in that you started to relate, tell me what happened?

A I called a number which I thought was Houk's and what I told him I am not sure.

Q Did you ask him to come over?

A I don't know what I said, Doctor.

Q Then what did you do?

A Well, that's when I still being somewhat hazy, not discerning it, paced between the kitchen and the den, not knowing what to do. I was in the kitchen sitting on a chair and I think my head was on the table and before

they came or shortly after they came I went into the den. Somehow at this time I recognized that my neck was very painful and I held my neck.

Q You say you sat on the chair in the kitchen?

A I believe that I sat on a chair in the kitchen for a few moments.

Q Did you wash yourself in the kitchen sink?

A I didn't wash myself at any time, Doctor.

Q At no time?

A I did not.

Q Anywhere in the building or anywhere in the lake?

A That's right.

Q Do you recall the Houks coming to the house?

A Yes.

Q And did you let them in?

A They came in.

Q Did you tell them how to get in when you called them?

A No.

Q Did you unlock the door for them?

A No.

Q Do you know how long it took them to get there after you called them?

A I don't know how long it took them.

Q Was it a long space of time or a short space of time comparatively speaking?

A Well, it must have been a relatively short space of time. It seemed long to me.

Q When you went to California, Los Angeles, you registered at the motel, do you remember what day you registered?

A No, I don't.

Q Did you check out of the motel?

A Yes.

Q You checked out, what day?

A I don't remember.

Q How many nights did you stay or days and nights did you stay at the motel?

A One or two.

Q When Susan Hayes left here did you give her a letter of introduction to Dr. Hoversten?

A No. Dr. Hoversten had been here and knew her at that time. He was in Dayton I believe at that time.

Q Did you give her a letter of introduction to Dr. Miller?

A No.

Q Did you give her a letter of introduction to anyone?

A I may have two years ago when she went to California.

Q Who was that?

A I don't believe I gave her any letter of introduction. I think I may have mentioned her to both Dr. Hoversten and

Dr. Miller but that was as I say some time ago.

Q Did you ever attend a strip tease party in Lorain with Susan Hayes?

A No.

Q In the company of two other people?

A I have never been to a strip tease party in this state.

Q When did you first contact Susan Hayes in 1954, in February or March of 1954?

A Well I had seen her here at the hospital.

Q No. When you were in Los Angeles after having left here on February 26th, you contacted Susan Hayes, when was this?

A It was some time shortly after I arrived in California. I would incidentally like to say that we had been good friends for a long time and <sup>this</sup> my wife knew and my wife suggested that I contact Miss Hayes.

Q When you got to California how soon after did your wife go up to Monterey?

A She went up the following day.

Q You were still living at the motel?

A Yes.

Q When did you go to Tia Juana with Susan Hayes?

A I never went to Tia Juana with Susan Hayes.

Q Weren't you in a party that was enroute to Tia

Juana?

A Absolutely not.

Q Did you stop at the Union Service Station on the Pacific Highway?

A I stopped there --

Q In San Diego?

A That's right. I stopped there and left my prescription blank and explained to the attendant that the young lady lost her bag with her watch in it. There was no secret or concealment about it. We had no idea where it was.

Q Who was in the car with you at that time when you stopped, before you left the note, when you stopped to get gasoline?

A I believe that Mr. and Mrs. Shabla and Miss Hayes.

Q Where were you headed for?

A We were headed for Los Angeles.

Q Where had you been?

A We had been to a wedding. We had been out to dinner thereafter.

Q Where was the wedding?

A It was at a church in San Diego.

Q This service station or the place where you left your prescription memo, where was this located?

A I can't tell you exactly where. It was on the main highway.

Q Who was being married?

A Another doctor.

Q What is his name?

A Is that pertinent to this?

Q Yes.

A Dr. Bueno.

Q How do you spell that?

A B-u-e-n-o.

Q Who did he marry?

A I don't know her name.

Q Where did this marriage take place?

A In a church at San Diego. I don't remember the specific place.

Q How long had you known this doctor, Dr. Buena?

A I had known him for some time.

Q While you were in school or subsequently?

A Yes, while we were in school.

Q Do you know where he is located?

A No.

Q Is he located in San Diego?

A I don't know if he is located in San Diego now. He lives in Los Angeles.

Q Miss Hayes went into the washroom while you were getting gasoline, is that right?

A I don't know. She had recalled going into the washroom and thought that that might be where she left her



watch.

Q You left a note at this particular gas station at what time of the day or night?

A As I recall, this particular gas station was closed so we went up the road to another one and left a note for the other gas station.

Q Was that one open?

A Yes.

Q This particular gas station, the first one that you left the note at was closed?

A I didn't leave a note at the first one I don't believe I may have.

Q Didn't you leave two notes?

A I may have. I don't recall.

Q What in effect did the note say?

A I can't say for sure.

Q You wrote it.

A I had written a lot of things in the past six months that I certainly could not --

Q You wrote it and you wrote a forwarding address, didn't you?

A The forwarding address was on the prescription blank.

Q Did you ask them to send the purse with the wrist watch in it if they found it, does that refresh your recollection?

A I asked something about if they found a purse and

wrist watch to send it on. If I were trying to conceal anything there I certainly would not have done it in that fashion.

Q The wrist watch and the purse was sent to you, wasn't it?

A Yes.

Q It was sent registered mail and receipt requested, is that right?

A I am not sure about that.

Q You did sign a receipt for receiving it?

A That's possible.

Q Didn't you send the attendant or the person who sent you the purse a letter thanking him?

A I think I asked my secretary to write a note thanking him.

Q Didn't you have a letter sent to him stating that during your absence the purse had been returned and that you wanted to thank him, you found it when you got there?

A I believe that I asked my secretary to enclose a note thanking him. I cannot say specifically that it went out but I believe it did.

Q When did this trip, this wedding trip occur in relationship to the time that you got in Los Angeles?

A I cannot give you specifically the relationship.

Q Was it a day after you got there or two days

afterwards or what?

A Oh, it was probably, it wasn't any more. It was two days probably.

Q At the time that your wife was still at home or with the Chapmans and you were still at the motel or was it when you were living with or staying at the Miller's residence?

A I believe that was during the time the Millers had insisted on her staying there with them and my staying there.

Q How did Dr. Miller meet Susan Hayes?

A He met her a couple of years ago when she was in California previously. He met her and a friend of hers I believe took them out to dinner.

Q You stated yesterday that Susan Hayes went over to the Millers to baby sit?

A Dr. Miller and his wife insisted on her staying there, hoping that she would be able to accompany us to any possible event that might occur and hoping to have her closer to town and I think they used the baby sitting just as something to try to encourage her.

Q She was not requested to come to baby sit until you were living there temporarily?

A I cannot give you a specific time, Doctor.

Q When had Dr. Miller seen Miss Hayes prior to the

time that you arrived in Los Angeles?

A I don't know whether he had or not.

Q When you went over to live with Dr. Miller while you were in Los Angeles after having checked out of the motel your wife was up in Monterey, is that right?

A That's right.

Q Susan Hayes came then over to Dr. Miller's place to stay for a week while you were there, is that right?

A She accompanied me to his home for dinner and he and his wife asked her to stay in their home.

Q Did you and Susan Hayes sleep in the same bed?

A No.

Q At any time?

A Absolutely not.

Q Did you have any sexual relations with Susan Hayes at that time?

A No.

Q Not during the time that you were in California?

A Not at any time.

Q Not during the time that you were staying at the Millers?

A No.

Q You did not sleep in the same bed with Susan Hayes?

A No we did not.

Q Four nights in a row?

A No.

CORONER GERBER: It is twelve  
o'clock. We will adjourn until one o'clock.  
(Noon recess.)

---

DR. SAMUEL H. SHEPPARD, being  
recalled further testified as follows:

EXAMINATION OF SAMUEL H. SHEPPARD, RESUMED

By Dr. Gerber:

Q Dr. Sheppard, do you recall what Mrs. Houk or Mayor  
Houk said to you or you said to them when they first came  
in?

A No, I can't. (The witness took off his therapeutic  
support for his neck and made this remark: I think if  
the flash bulbs are definitely quiet I can take my  
glasses off here. My eyes have been very sensitive to  
light.)

CORONER GERBER: I want to instruct  
the photographers to take no pictures while  
the proceedings are going on.

THE WITNESS: So long as there  
is no flash.

A (Continuing) I don't recall what Mayor Houk or

Mrs. Houk said. I do recall that one of them poured me about a half of glass of whiskey and asked me to take it and I refused because I was too confused at that time. Anyway I did not want to become more so.

Q Do you recall telling either Mayor Houk or Mrs. Houk what happened after they got into the house?

A I cannot recall what I said.

Q Did either Mayor Houk or Mrs. Houk ask you what happened?

a They may have. I really can't recall.

Q Do you recall whether or not you told them what had happened?

A No.

Q Do you recall who the next person that you saw after seeing Mayor Houk and Mrs. Houk?

A The next person I can remember is Officer Drenkhan.

Q Did you tell him anything?

A He spoke to me for a minute.

Q What did he say?

A I don't remember what he said. I think he remarked about how I got injured.

Q What did you say to him?

A I am not sure.

Q You have not any idea?

A I don't know what I said.

Q Who is the next person you saw?

A When Mr. and Mrs. Houk were going back and forth?

Q After seeing Mr. and Mrs. Houk and Officer Drenkhan who was the next person?

A I saw Mr. and Mrs. Houk again back and forth and then the next person I saw was Dr. Richard Sheppard.

Q What did you say to him?

A I don't know what I said to him. I don't recall what he said to me.

Q Did you call Dr. Richard?

A Did I call Dr. Richard, no.

Q Do you know who did?

A I think Mr. Houk did.

Q Did Mr. Houk tell you that he called Dr. Richard?

A I don't believe so.

Q How were you attired when Dr. Richard came?

A Mrs. Houk had commented that my -- that I had no shirt on. And at that time I noticed that I was bare from the waist up.

Q That is before Dr. Richard came?

A I can't say specifically whether it was before or not.

Q And Dr. Richard was there?

A I don't know. I just recall that Mrs. Houk mentioned this.

Q What else happened after Dr. Richard came?

A It was just a mass of confusion.

Q Do you know when Dr. Stephen came?

A He came sometime after that.

Q After Dr. Richard?

A Yes. I think that I was on the floor holding my neck.  
My neck was quite painful at that time.

Q Did you talk to Dr. Stephen?

A I might have. I don't know what I said though.

Q And then what happened after that? After Dr. Stephen came.

A Well, he looked at me and shortly thereafter he said  
we better get me to the hospital. He helped me out to his  
car.

Q Did he ask you any questions?

A He may have. I don't remember.

Q You don't recall?

A I don't recall what was said. He may have asked some  
questions. I am not sure.

Q Did you get dressed to go to the hospital or did you  
go just as you were?

A As far as I know I went just as I was.

Q What is the next thing that happened?

A Well, I was taken into the hospital on a cart but I  
don't remember all of the events specifically. Within  
probably a short period of time I was given -- some X-rays  
were taken. I don't know whether I went to the room first



or I was taken to the X-ray room directly. I am not sure. I was given some shots and shortly thereafter two detectives came into the room and questioned me with regard to the events.

Q Who examined you when you were out at the hospital?

A I can't tell you that.

Q Who took the X-rays?

A I don't know that.

Q Was this X-ray a portable X-ray that was used or the regular standard X-ray?

A I believe it was the regular X-ray because I think I was in the X-ray room.

Q Do you recall what views, X-ray views were made?

A No.

Q Have you seen the X-rays?

A No.

Q Have you asked for them?

A No.

Q You are interested in the X-rays, aren't you?

A I am interested in the X-rays, yes.

Q In whose possession are the X-rays at this time?

A I have no idea. They most likely are in the hospital files along with all other X-rays taken in the hospital. They could be in your possession for all I know.

Q Whose property is the X-ray? Is it the hospital

X-rays  
don't  
show  
Chip  
fracture.

347

property or is it the property of the Roentgenologist?

A As far as I know in most every hospital the X-ray plates are the property of the hospital. I am not sure that that is the technical decision on it. I really cannot tell you. They may be the property of the Roentgenologist.

Q Do you know what diagnosis was made?

A I know that there had been evidence of a chip fracture in the first X-rays. I understand that further X-rays did not disclose this.

Q When can you make those --

A And you wanted to know who examined me?

Q Yes.

A I was examined by Dr. Stephen Sheppard and by one or two of the house doctors. I was examined partially by Dr. Hexter and by Dr. Charles Elkins.

Q When did these examinations take place?

A Most of them took place the first day. Dr. Elkins re-examined me the following day, which was Monday I believe and I was examined on Tuesday and I think it was decided to recommend a spinal puncture and performed that himself. I was examined daily by some of the house doctors and Dr. Stephen Sheppard in regard to my condition.

Q At that time, that is Sunday, July 4th, the injuries which you sustained, will you please --

enumerate them for the record?

A Well, I am the patient, Doctor. I cannot really enumerate my injuries. You mean as I felt them?

Q- As you felt them.

A I felt very extreme pain in my neck, which was deep, which rendered my neck somewhat stiff, but even more what I would term as unstable. Since then I have difficulty in maintaining and controlling stability of my head. It is thought that that is clear. I had a painful numb area about the right eye and pain extended up into the forehead here and down around the cheekbone, the zygoma.

Q The right one?

A The right one. There were two teeth or three that were loose and painful in my mouth and sharp edges were apparent through my tongue. I had a raw area which was bleeding, in the area of the corner of my mouth here extending back inside of my cheek where there were multiple cuts and raw areas.

I had an extreme headache and I have had a basal headache ever since the incident.

I had an area in the upper right abdomen which was painful and sore and since the incident I have noticed an area in the inguinal region which appears to be an early hernia, which I may have had a tendency toward previously but certainly was not this prevalent.

Q Will you describe the condition of your face?

A I didn't look at my face. Just from what I could feel.

Q Would you describe your condition of the eye as a black eye?

A I would not describe it other than what I felt.

Q Was there any swelling of the face on the right side?

A It felt swollen, yes.

Q Any swelling higher up above the right eye?

A Yes, it felt swollen on up into the forehead here.

Q Would you say the swelling by indication extended up into the hairline?

A Up in that direction, yes.

Q On the right side?

A yes.

Q Other than the lip that you described, the membrane was broken, did you have any other areas of your skin that were broken or were bleeding?

A Just inside the mouth.

Q There was nothing external?

A Not that I know of, other than the lip.

Q The lip was on the inside?

A Well, I couldn't say. It was bleeding. It may have been partially outside. I really don't know. You could see better than I.

Q Did you have any injuries to the top of your head that you could describe?

A Not that I know of. Just the back of the neck here.

Q Any injuries that were visible on your body and shoulders, your hips or thighs?

A I was sore as though as I had undergone general physical strain.

Q But no visible injuries?

A No, sir, not that I know of.

Q None that you could see?

A I didn't look.

Q Any scratches or abrasions?

A I couldn't say. My throat felt sore a couple of days.

Q Any scratches or abrasions on the neck that you could feel?

A I didn't examine myself, Doctor.

Q Or any other part of the body that you could see?

A Not that I could see.

Q I want to clear up one thing. When you originally stated that you woke up in the bedroom and that you felt the pulse of your wife, did you get any blood on you at that time?

A I don't know.

Q When you got up from the beach was there any sand in the hair that you could recall?

A Not that I know of.

Q Would you furnish me with a copy of your blood type?  
You can have it made someplace.

A Certainly.

Q And the X-rays, all the X-rays of the chest or any  
X-rays that were taken at the hospital with reference to  
you in so far as your injuries were concerned?

A Certainly.

Q Do you know how many there were?

A I have no idea.

Q Do you know whether there were six or eight or ten  
or twelve?

A Dr. Stephen Sheppard is in charge and if you request  
that from him he will be happy to.

Q Well, they are yours. Dr. Stephen Sheppard might be  
in charge but they are your X-rays.

A The X-rays belong to the hospital. They don't  
belong to me. They are of me.

Q They are of you and you are the owner that will have  
to release them. Are you willing to release them?

A Certainly.

CORONER GERBER: That is all.

Thank you.

- - -